

Title Suit 61 of 2025

Order No. 07 dated: 14.05.2026

Today is fixed for hearing of the applications u/O 22 R 4, u/O 7 R 10 and SR/AD of defendant No. 32 and 37.

Plaintiff filed hazira along with a petition for extension of ad interim order of injunction.

Defendants filed hazira.

It is seen that an application u/O 22 R 3 is pending for disposal. So the application u/O 22 R 3 is taken up for hearing.

The legal heirs of the deceased plaintiff No.5 filed one petition under Order 22 Rule 3 of CPC dated 11.09.2025 along with the fresh power.

The petition has been filed by the legal heirs of the deceased plaintiff.

Heard learned advocate for the applicants who submitted that the plaintiff No.5 Kalpanarani Kha died on 28.06.2025 leaving behind her legal heirs and successors mentioned in the schedule of the petition. Learned advocate prayed for substituting the aforesaid legal heirs of the plaintiff No. 5 in place of the deceased plaintiff.

On perusal of the instant petition and the materials available on record it is found out that the plaintiff No. 5 Kalpanarani Kha died on 28.06.2025 and the instant petition was filed on 11.09.2025. This Court is of the opinion that the instant petition has been filed within the limitation period. So this Court finds no impediment in allowing this petition.

Hence, it is

Ordered

that the instant petition under Order 22 Rule 3 of CPC is considered and allowed and disposed of on contest. Let the aforesaid legal heirs of the deceased plaintiff, be substituted in his place as substituted plaintiffs .

Ld. Advocate for the applicant is directed to file an amended plaint.

BC-I to make necessary note in the cause title of the plaint.

Later,

Now the application u/O 22 R 4 dated 05.06.2025 is taken up for hearing.

Heard learned advocate for the plaintiff who submitted that they came to know from the A/D card on 15.05.2025 that the defendant No. 4 died. They stated that defendant No.4 Bharti Bhowmik died long ago. The defendant No. 5 being her husband is already on record. So her one son and two daughters need to be substituted in this case whose names are mentioned in the schedule of the petition.

Ld. Advocate for the defendant did not raise any objection.

On perusal of the instant petition and the materials available on record it is found out that the defendant No. 4 Bharti Bhowmik died long ago and the instant

petition was filed on 05.06.2025. The plaintiffs came to know about the death from A/D card on 15.05.2025. This is a suit for partition and the legal heirs have also the right, title, interest over the suit property and they need to be substituted.

Ref. Case: Binod Pathak & Ors. Vs. Sankar Chowdhury & Ors.

So this Court finds no impediment in allowing this petition.

Hence, it is

Ordered

that the instant petition under Order 22 Rule 4 of CPC is considered and allowed and disposed of on contest. Let the aforesaid legal heirs of the deceased defendant No.4, be substituted in his place as substituted defendants .

Fixing **01.07.2026** for hearing of the application u/O 7 R 10, filing of amended cause title of the plaint by incorporating the names of the legal heirs of plaintiff No. 5 and defendant No. 4 and steps.

Ad interim is extended till date.

D/c & by me

CJ

**Civil Judge (Jr Divn)
Amta, Howrah**