

Title Suit 108 of 2023

Order No.11 dated 01.04.2025.

Today is fixed for hearing of petition under Order 22 Rule 4 C.P.C.

Plaintiff filed hazira

Defendant Nos. 1 filed hazira .

Defendant Nos. 9 and 10 absent without steps.

The petition under Order 22 Rule 4 C.P.C. is taken up for hearing.

Heard learned advocate for the plaintiff who submitted that the defendant No.4 Sk. Rafique died on 20.01.2025 leaving behind his wife and three sons as his legal heirs and successors. Learned advocate prayed for substituting the aforesaid legal heirs of the defendant No.4 in place of the deceased defendant.

Ld. Advocate for the defendant raise no objection.

On perusal of the instant petition and the materials available on record it is found out that the defendant No. 4 Sk. Rafique died on 20.01.2025 and the instant petition was filed on 18.03.2025. 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 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 defendant no.4(a) Sk. Nasir 4(b) Sk. Khalil and 4(c) Sk. Saddam. 4(d) Sahera Begum

Defendant Nos. 9 and 10 are absent without step they are directed to file show-cause why the suit will proceed ex parte against them.

It is perused from the record that the summons on defendant Nos. 2 and 6 were duly served but they failed to appear. Hence the suit will proceed ex parte against defendant Nos. 2 and 6.

The summons were duly served upon defendant Nos. 3, 5, 7 & 8.

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

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

Fixing **05.07.2025** for filing of amended cause title of the plaint by incorporating the name of the legal heirs of defendant No. 4 and taking steps on all the substituted defendants who were substituted in the case till date. Appearance of defendant No. 3, 5, 7 & 8. Show cause to defendant Nos. 9 and 10.

D/c & by me

CJ

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