

Title Suit 138/ 2019 (CIS - 138/ 2019)

CNR No. - WBHW 07 000 179 of 2019

Order No.13 dated 25.02.2022

Today is fixed for hearing the application under Order 1 Rule 10(2) C.P.C. filed by the plaintiffs, filing of W.O. and W.S. by defendant Nos. 1, 3, 5, & 6 as well as S.R. and appearance of the remaining defendants.

Both parties are present.

An application duly supported by affidavit is filed by the plaintiffs for further extension of ad interim order of injunction.

Considered.

In the interest of justice, the ad interim order of injunction is extended till next date.

Now the application under Order 1 R 10 CPC is filed by the plaintiffs is taken up for consideration.

Heard the Ld. Advocate of the parties.

Perused the instant application.

Considered.

It is revealed from the instant application that the plaintiff No. 3 Arup Bag expired on 07.09.2020 leaving behind the petitioners as his legal heirs. From the contents of the instant application it is apparent that the present petition has not been filed within the statutory period. But it is within the judicial notice of this Court that in view of the out break of Covid – 19 the period of limitation was suo motu extended by the Hon'ble Supreme Court. Therefore, there is no impediment in allowing the instant application. Accordingly, the instant petition is hereby allowed on contest. Let the name of the deceased plaintiff No. 3 Arup Bag be struck out from the cause title of the plaint and the names of petitioners namely Nomita Bag, Promit Bag, Rimita Bag and Rimpa Kole be substituted therein.

DA is directed to make the aforesaid modification to the cause title in red ink.

To 03.06.2022 for filing of W.O. and W.S. by defendant Nos. 1, 3, 5, & 6 as well as S.R. and appearance of the remaining defendants.

D/C by me

C. J. (Jr. Divn.)
Amta, Howrah
(JO Code WB 01195)

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