

Title Suit – 168 / 2018

Order No.37 dated 23.08.2024

Today is fixed for order in respect of the application u/O 1 Rule 10 (2) for expunging the name of the plaintiff No.1.

Plaintiff filed hazira.

Defendant Nos. 1 & 2 filed hazira.

Heard the Ld. Advocate of the plaintiff.

Perused the instant application.

Considered.

It is revealed from the instant application that plaintiff No.1 expired on 20.08.2020 leaving behind the legal heirs who are already on record in the form of other plaintiff Nos. 2 & 3. As the legal heirs are already on record so there is no impediment in expunging the name of the deceased plaintiff even when the petition has not been filed within the limitation period. Therefore, there is no impediment in allowing the instant application. Accordingly, the instant petition is hereby allowed. Let the name of the deceased plaintiff No.1 be struck out from the cause title of the plaint.

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

To 16.12.2024 for further chief of PW-1.

D/C by me

C. J. (Jr. Divn.)
Amta, Howrah

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