

Title Suit 131 of 2013 (CIS 688/2014)

Order No. 96 dated 12.09.2024.

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

Plaintiff filed hazira.

Defendant Nos. to 4 filed hazira.

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.1 Kalikingkar Ghosh died on 19.08.2024 leaving behind his wife, one son and one daughter as his legal heirs and successors. Learned advocate prayed for substituting the aforesaid legal heirs of the defendant No.1 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. 1 Kalikingkar Ghosh died on 19.08.2024 and the instant petition was filed on 29.08.2024. 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.1, be substituted in his place as defendant no.1(Ka) Pampa Ghosh 1(Kha) Subhodip Ghosh and 1(Ga) Dipanita Patra.

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 **08.11.2024** for filing of amended cause title of the plaint by incorporating the name of the legal heirs of defendant No. 1 and taking steps on all the substituted defendants who were substituted in the case till date.

D/c & by me

CJ

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