

**M. A. C. Case No.300 of 2021**

**Order No.41,**  
**Dated.19.01.2026.**

Both parties file hazira.

This day is fixed for hearing of petition, filed by the petitioner under O-6, R-17 read with Section 151 of the C.P.C.

The said petition is taken up for hearing.

Heard submission of Ld. Lawyer of both sides.

Perused the petition, documents filed and other materials on record.

Considered.

At the outset, I would like to mention that the contesting O. P. No.2 has not filed any written objection against the said petition.

It is submitted by the Petitioner that initially the instant case was filed by the parents, wife and minor son of the deceased. The mother of the petitioner, namely, Malati Karjee is step mother of the deceased and as such, she is not legal-heir of the deceased under the provision of Hindu Succession Act. It is further contended that the petitioner No.1 Bimal Karjee being father of the deceased is the Class – II heir of the deceased and as such, he is not also legal-heir of the deceased. By the instant amendment petition, the petitioner wants to strike out the name of the Petitioner Nos.1 and 2 from the cause title of the claim petition. The proposed amendments are formal in nature and I find no reason not to allow the petition.

Hence, it is -

**ORDERED**

that the petition filed under O-6, R-17 of the C. P. C. read with Section 151 of the C. P. C. is allowed on contest but without cost.

The petitioner is directed to file amended copy of plaint.

It appears from the case record that the Respondent No.2 has not paid the cost of Rs.1000/- in terms of order No.34.

The Respondent No.2 is directed to pay the said cost by the next date, positively.

To **10.02.2026** for filing amended copy of plaint and payment of cost.

Documents filed by the petitioner be kept with the case record.

**Dictated & corrected by me:-**

**Judge, M.A.C. Tribunal**  
**3<sup>rd</sup> Court, Jalpaiguri.**

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