

Partition Suit No. 178 of 2016 [CIS-18 of 2016]

Order No. 21 dated 12/12/2024.

Today is fixed for awaiting S/R and appearance of defendant no.11-13 and hearing of Plaintiffs' substitution petition dt.29.01.2024 praying for substitution of legal heirs of deceased defendant no.2.

Plaintiffs are present by filing a petition supported by an affidavit, praying for extension of the ad-interim order of injunction.

Defendant no. 1 and 4-10 are absent without taking any steps. None appear for said defendants on repeated calls.

The conduct of said defendants prima facie suggest that they are not interested to contest the suit any more and accordingly I do inclined to proceed ex parte against them.

Hence, the suit will be proceed ex parte against defendant no. 1 and 4 to 10.

Received No. SR in respect of defendant No. 11-13.

Plaintiffs are also directed to take fresh steps (through post only) against original defendant No. 11-13.

Now, the substitution petition dated 29.01.2024 filed by the plaintiffs praying for substitution of legal heirs of deceased defendant no. 2 is taken up for consideration.

Heard learned advocate for the Plaintiffs.

It appears that the plaintiffs have filed this petition for substitution of legal heirs of deceased defendant No.2, who according to the plaintiff died on 11.03.2021 leaving behind five sons, one daughter and two wives as his legal heirs out of whom one namely Anowar Hossain (son) is already on record as defendant no.1 .

Accordingly the petition dated 29.01.2024 filed by the plaintiffs under Order 1 Rule 10(2) of CPC praying for substitution of legal heirs of deceased defendant No. 2 is considered and allowed, however at plaintiffs' own risk.

Accordingly, the remaining legal heirs of deceased defendant No. 2 viz. **Najir Hossain Seikh (son), Sariful Islam Seikh (son), Sahidul Islam Seikh (son), Mahidul Seikh (son), Jarina Khatun (daughter), Hanefa Bewa (wife) and Tanjela Bewa (wife)**, Whose details are given in the petition, are hereby added as substituted defendant no. 2 **(i) to 2(vii)** to the present suit.

Plaintiffs are directed to take necessary steps against said substituted defendants.

Plaintiffs are also directed to file an amended plaint by next date positively.

D.A to note in the cause title of the original plaint, accordingly.

Fixed **12.05.2025** for awaiting S/R and appearance of the original defendant no.11-13 and substituted defendant No. 2(i) to 2(vii) and filing amended plaint by the Plaintiffs.

Plaintiffs to file necessary requisite (through Court as well as post) by next 7 days positively.

The ad interim order of injunction dated 27.04.2016 is hereby further extended till next date.

**D & C by me
CJSD, Lalbagh**

**Sd/- Gourab Ghosh,
Civil Judge (Senior Division)
Lalbagh, Murshidabad, W.B
J.O.Code: WB01100.**