

P.S 216/10

Order No. 29 dated 05.09.19

Parties file hazira. Today is fixed for hearing of petition u/o. 1 rule 10 (2) CPC dt. 15.05.2018 whereby the Plaintiff prayed for impleading State of West Bengal represented by Collector, Murshidabad as the Proforma Defendant in this suit.

None appears for Defendant on repeated calls. It is now 2.15 P.M. Heard Ld. Advocate for the Plaintiff.

It is stated by the aforesaid Plaintiffs that the suit should be heard in presence of State of West Bengal represented by Collector, Murshidabad as such the instant petition is filed for impleading State of West Bengal represented by Collector, Murshidabad as the Proforma Defendant in this suit.

It is also stated by the Plaintiff that Anisur Biswas has expired and accordingly he is not impleaded as a party.

Perused the record. This is a suit for partition by metes and bounds and all the co-sharers are needed to be impleaded. However, the same is at the risk of the Plaintiff. As far as non impleading of Anisur Biswas on account of his death is concerned, the matter is kept open to be agitated upon at the time of hearing of the suit.

Hence it is,

ORDERED

that the petition under Order 1 Rule 10 (2) C.P.C filed by the Plaintiffs / petitioners is hereby allowed and let State of West Bengal represented by Collector, Murshidabad as the Proforma Defendant in this suit.

Note the same in the cause title as well as in register. Plaintiffs are directed to file amended copy of plaint. Plaintiff is directed to cause service of summons upon the Proforma Defendant.

To 27.03.2020 for filing amended copy of Plaint and for S/R of Proforma Defendant.

Dictated & corrected by me,

Civil Judge(Sr. Divn),

Civil Judge(Sr. Divn),