

T.S 274 of 2008
Reg. No. T.S 635 of 2015

Order No.34 , dated 09.07.2018

Today is fixed for cross – examination of P.W.1. The plaintiff is present by filing hazira. From perusal of the record it appears that the plaintiff filed an application under Order XXII Rule 4 of C.P.C on 24.04.2018. The instant petition is taken up for hearing. The fact of the instant petition in brief is that the defendant no.1 expired on 04.03.2018 which was informed by the Ld. Advocate of the defendant no.1 on 26.03.2018. Hence, this petition filed by the plaintiff for substitution of legal heirs of deceased defendant no.1 as per the schedule of the instant application.

Perused the application and all the materials on record. Considered the same. After perusal and consideration it appears that the defendant no.1 died on 04.03.2018 and the instant application has been filed by the plaintiff on 26.04.2018 which is well within the statutory time limit. Moreover, the same is necessary for proper adjudication of the instant suit. As such I do not find any impediment in allowing the instant application filed by the plaintiff.

Hence, it is

ORDERED

that the instant application under Order XXII Rule 4 filed by the plaintiff is hereby considered and allowed.

Let the legal heirs of deceased defendant no.1 namely Kalipada Mallick be substituted as defendant in place of deceased defendant no.1 as per the schedule of the instant application.

B.C.-I to make necessary changes in the Cause Title of the plaint and other necessary Registers.

Fix **26.11.2018** for steps upon substituted defendants and further order.

D/C by me,
Sd/-
Civil Judge (Junior Division)
Lalbagh, Murshidabad.

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Civil Judge (Junior Division)
Lalbagh, Murshidabad.