

Partition Suit No. 113 of 2022

Order No. 21 dated 29/11/2025.

Today is fixed for hearing of petition dated 03.11.2025 filed by the petitioner viz. Mansura Bewa and 4 others u/o.22 Rule 3 of Civil Procedure Code praying for substitution of themselves as legal heirs of the sole plaintiff namely Jahangir Sheikh (since deceased) and awaiting S/R and appearance of defendant no. 2, 3, 9 to 14.

The above named petitioners filed hazirah along with a petition supported by an affidavit, praying for extension of the ad-interim order of injunction.

Defendant no. 4 and 7 filed hazirah through Advocate.

Defendant no. 1 (appeared on 09.03.2022) and defendant no. 5 and 6 (appeared on 12.09.2024) are absent without taking any steps.

Learned Advocate for the plaintiff as well as defendant no. 4 to 7 are present.

Accordingly the substitution petition dated 03.11.2025 is taken up for consideration.

Heard learned Advocate for the above named petitioners, who submitted that the sole plaintiff viz. Jahangir Sheikh has died on 01.09.2024 leaving behind his wife and 3 sons (named in the petition) and for ends of justice they may be substituted in place of said deceased plaintiff.

Perused the petition.

Since this is suit for partition involving recurring cause of action, therefore the period of limitation for substitution as per the Limitation Act, 1963 is not strictly applicable here.

Learned Advocate for defendant no. 4 and 7 also raised no objection.

Accordingly, the prayer of petitioners viz. Mansura Bewa and 3 others for substitution of themselves as legal heirs of deceased plaintiff Jahangir Sheikh is considered and allowed at their own risk.

Consequently the petitioners namely **1. Mansura Bewa, 2. Alamgir Karim, 3. Mahafuj Alam, 4. Minor Md. Farid and 5. Minor Golam Rasul through their immediate friend and natural guardian Mansura Bewa (mother)**, whose detailed particulars are given in the petition, are hereby substituted as **plaintiff no.1(i) & 1 (iv)** respectively.

D.A. to note in the plaint and relevant registers, accordingly.

The substituted plaintiffs are directed to file an amended plaint on the next date fixed positively.

Received no SR in respect of defendant No. 2, 3 and 9 to 14.

The prayer of the substituted plaintiffs for extension of the ad-interim order of injunction dt. 21.02.2022 is also considered and allowed.

Fixed **09.06.2026** for awaiting S/R and appearance of defendant no. 2, 3 and 9 to 14 and filing amended plaint by the plaintiffs.

The ad interim order of injunction dated 21.02.2022 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.