

Partition Suit No. 148 of 2013

Order No. 59 dated 30.01.2026

Today is fixed for hearing of the petition dt. 13.01.2026 filed by the plaintiffs under Order 22 Rule 4 of Civil Procedure Code praying for substitution of legal heirs of deceased defendant no. 1 (Cha).

Plaintiffs as well as the surviving legal heirs of defendant no. 1 (Cha) filed respective hazirah.

Now the substitution petition dated 13.01.2026 filed by the plaintiffs is taken up for consideration.

Heard learned Advocate for the plaintiffs who submitted that defendant no. 1 (Cha) namely Sabar Ali has died on 06.12.2025 leaving behind his wife, 2 sons and 1 daughter (named in the petition) and for ends of justice they may be substituted in place of said deceased defendant.

Perused the petition.

It appears that the petition was filed well within the period of limitation.

It also appears that out of the legal heirs of said deceased defendant, two are minors and in order to sue them through their natural guardian namely Rexona Bewa (the mother of the minors) the plaintiffs have also filed a petition under Order 32 Rule 3 of Civil Procedure Code praying for leave to said minor defendants through their above named guardian.

Accordingly, the plaintiffs' prayer for substitution of legal heirs of deceased defendant no. 1 (cha) is considered and allowed at plaintiffs' own risk.

The persons namely **1. minor Arif Seikh, 2. minor Hasim Seikh, 3. Rexona Bewa and 4. Soma Khatun**, whose detailed particulars are given in the petition, are hereby substituted as **defendant no. 1 (Cha/i) to 1 (Cha/iv)**.

Leave is also granted to the plaintiffs to sue the minor substituted defendants namely **minor Arif Seikh and minor Hasim Seikh** through their natural guardian and mother namely Rexona Bewa [1 (Cha/iii)].

Plaintiffs are directed to take necessary steps against the above named substituted defendants.

Plaintiffs to file an amended plaint on next date positively and to file and amended plaint by next date without fail.

D.A. to note in the cause title accordingly.

Fixed **05.03.2026** for awaiting S/R and appearance of the substituted defendant no. 1 (Cha/i) to 1 (Cha/iv).

Plaintiffs to file necessary requisite (through post only) for issuance of summons upon the substituted defendants, by next 15 days positively.

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

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