

M.A.C. Case No. 305 of 2019

Present : Sri Arun Singha
Judge, M.A.C.T. cum
ADJ 3rd Court, Malda.

Order No. 18 dated 09-09-2022

Claimants file one petition under Order 1 Rule 10(2) CPC supported by an affidavit. Copy served.

Ld. Advocate for the claimants moves the petition. It is submitted that during pendency of the instant claim case, claimant no. 1 Dukhini Mandal has expired. It is submitted that the claim case has arisen out of accidental death of victim Charan Mandal who was the husband of claimant no. 1 while other claimants are the daughters of claimant no. 1. Accordingly, ld. Advocate prays to consider and allow the petition under Order 1 Rule 10(2) CPC for striking out Dukhini Mandal from the instant case.

Heard. Considered.

Perused the record and petition.

The petition is supported by affidavit and xerox copy of death certificate of the said claimant no. 1 Dukhini Mandal issued by Sub-Registrar Deotala Gram Panchayat, W.B. Govt. From the death certificate it appears that said Dukhini Mandal has died no 18.07.2022.

In view of Order 1 Rule 10(2) CPC, the scope of amending the petition is limited and it is only to the extent of adding or striking out the name of the parties to the petition.

In the aforesaid facts and circumstances, petition under Order 1 Rule 10(2) CPC of the claimants is considered and allowed.

Accordingly, the claimant no. 1 Dukhini Mandal may be strike out.

Claimants are directed to take steps.

To **16-12-2022** for steps and further order.

Dictated and Corrected by me

Judge, M.A.C.T. cum
ADJ 3rd Court, Malda.

Judge, M.A.C.T. cum
ADJ 3rd Court, Malda.