

T.S. No. 48 OF 20 CIS 48 OF 20
CNR WBNP18-000065-2020

22-03-2023

Today is fixed for hearing of petition U/o-22 rule 4 of CPC and W.O, if any in the mean time.

Plaintiff files hazira.

Defendants file hazira.

Now, the record is taken up for hearing and passing order in respect of petition U/o-22 rule 4 of CPC.

By filing the instant petition U/o-22 Rule-4 the petitioner/plaintiff prayed for substituting the name of the defendant no. 1 namely, Rabindranath Ghosh who died on 14.05.21. The petitioner by affidavit, stated that after his death right to sue survive upon his legal heirs mentioned in the substitution petition and the petition U/o-22 rule 4 of CPC is filed on 22.07.21 which is within the statutory period.

Heard the Ld. Adv for both sides.

Considered.

On perusal of the petition and other materials on record it appears to this Court that the defendant no. 1 namely, Rabindranath Ghosh who died on 14.05.21 and the instant petition filed by the petitioner on 22.07.21 which is well within the statutory period. So, this Court is inclined to allow the petition filed by the plaintiff.

Hence, it is

O R D E R E D

that petition U/o.22 rule 4 of CPC is allowed on contest and disposed of accordingly.

Let the legal heirs of the deceased Rabindranath Ghosh be substituted as per substitution petition.

Plaintiff is hereby directed to file revised plaint and steps upon the substituted defendants.

Fix 05.06.2023 for filing revised plaint and steps upon the substituted defendants.

D/c by me

CJ (Jr. Divn.)
(JO CODE WB01423)
Bidhannagar

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