

The Court of the Civil Judge (Jr. Divn.), Bidhannagar, North 24 Parganas

Present: Dhruvajyoti Bhattacharyya, Civil Judge (Jr. Divn.), Bidhannagar

J.O.CODE WB 1177

Title Suit No. 110 of 2022

C.I.S.No. 110 of 2022

WBNP18-000138-2022

Order dt. 20.09.2023.

This date is fixed for hearing of application under Order XXII Rule 4, CPC. Plaintiff has prayed extension of the ad interim order of injunction. Perused the record and heard the learned Counsel for the plaintiffs. The ad interim order of status quo is extended till next date. The application dated 16.5.2022 under Order XXII Rule 4, CPC with application under Section 5 of the Limitation Act. The latter application has stated that that the defendant came to know about the death of the defendant on 03.4.2023. when the same was filed by the advocate for the deceased defendant. This Court has heard the learned Counsel for the plaintiffs and has perused the record. The delay is condoned. In the application under Order XXII Rule 4, CPC. As per the said application it has been asseverated that the defendant has expired leaving behind her husband Sumen Hazari son of Rejendra Prasad Hazari of Rabindrapally, Sriniketan, PS: Bolpur, Birbhum and Debipur, PO Bhandara, PS: Jiagunj, Murshidabad, PIN: 742123. Perused the death certificate of the defendant no. 1.

Hence it is

O R D E R E D

that the application under Order XXII Rule 4, CPC filed by the plaintiff be and the same is granted. The deceased plaintiff no. 1 is directed to be substituted by Sumen Hazari son of Rejendra Prasad Hazari of Rabindrapally, Sriniketan, PS: Bolpur, Birbhum and Debipur, PO Bhandara, PS: Jiagunj, Murshidabad, PIN: 742123. DA is directed to undertake necessary steps. The plaintiff is hereby directed to furnish a revised copy of the plaint and furnish requisites for issuance of summons upon the substituted defendant and the defendant no. 2.

Fix 11.3.2024 (Diary congested) for filing of revised plaint and SR of summons upon the substituted defendant and the defendant no. 2.

Civil Judge (Jr. Divn.)

Bidhannagar