

Title Suit No. 311 OF 19 CIS 328 OF 19  
**CNR WBNP18-000439-2019**

30-06-2022

Today is fixed for further hearing of substitution petition.

Plaintiff files hazira and extension petition.

Heard. Considered. Extension petition is hereby rejected.

Now, the record is taken up for hearing of U/O-22 Rule-4 of CPC filed on 12.05.22 filed by the plaintiff praying for substitute the name of the legal heirs of the sole defendant namely, Bithika Basak on the ground stated therein.

By filing the instant petition U/o-22 Rule-4 the petitioner/plaintiff prayed for substituting the name of the sole defendant namely, Bithika Basak who died on 07.11.20. The petitioner by filing affidavit stated that after his death right to sue survive upon his legal heir mentioned in the substitution petition. The petition is filed on 12.05.22 which is not within the statutory period. But limitation period for filing the petition is condoned in compliance of the Hon'ble Apex Court order i.c.w Writ Petition (Civil) No. 3/2020. Thus, this Court is inclined to allow the petition. Petitioner files the xerox copy of death certificate.

Hence, it is

O R D E R E D

that the petition filed by the petitioner U/O-22 Rule-4 of CPC dated 12.05.22 is allowed and disposed of accordingly.

Let the legal heir of deceased Bithika Basak be substituted in her place as per the schedule mentioned in the substitution petition.

Plaintiff is also hereby directed to supply the revised plaint to the defendants.

Fix 10-08-2022 for filing revised plaint and steps upon the substituted defendants.

D/c by me

CJ (Jr. Divn.)  
(JO CODE WB-01423)  
Bidhannagar

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