

Title Suit No. 19 OF 2006 CIS 219 OF 2006

CNR WBNP18-001050-2006

14-12-2021

Today is fixed for hearing of petition U/O-22 Rule-3 of CPC read with Sec. 151 of CPC filed by the plaintiff praying for substitute the name of the legal heirs of the plaintiff no.1 namely, Smt. Basanti De on the ground stated therein.

Plaintiff files hazira.

Defendant takes no step.

Now, the record is taken up for hearing and passing order.

By filing the instant petition U/o-22 Rule-3 the petitioner prayed for substituting the name of the plaintiff no.1 namely, Smt. Basanti De who died on 30.10.2020. The petitioner by filing affidavit stated that after her death right to sue survive upon her legal heirs mentioned in the substitution petition. The petition is filed on 25.01.2021 which is within the statutory period. Thus, this Court is inclined to allow the petition. Petitioner also files the xerox copy of death certificate of deceased.

Hence, it is

O R D E R E D

that the petition filed by the petitioner U/O-22 Rule-3 of CPC read with Sec. 151 of CPC dated 25.01.2021 is allowed and disposed of accordingly.

Let the legal heirs of deceased Smt. Basanti De be substituted in her place as per the schedule mentioned in the substitution petition.

Fix 15-02-2022 for filing revised plaint by the plaintiff and show cause by the defendant as to why the suit shall not proceed exparte against them.

D/c by me

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

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

Title Suit No. 19 OF 2006 CIS 219 OF 2006
CNR WBNP18-001050-2006

14-12-2021