

EJ. EXECUTION CASE NO. 22 OF 2023  
C. N. R. NO. WBPS01-000094 -2023  
Before Smt. A. Bhattacharya, Ld. Judge, 5<sup>th</sup> Bench.

ORDER NO. 12 DATED 26.11.2024

Petitioner files hazira.

Today is fixed for verification and order.

Ld. Advocate for the petitioner is present.

The record is taken up for hearing of the petition under Or.22 R.4 of C.P.C. filed by the petitioners on 08.10.2024 by which it is submitted by the decreeholder/plaintiff that the petitioner filed the instant Execution Case for recovery of khas possession of the suit property. O.P./defendant preferred an Appeal in the City Civil Court, Calcutta being Title Appeal No.18 of 2023 and at the time of hearing on 18.09.2024, Ld. Lawyer for the O.P./defendant through a petition for substitution informed that the O.P./defendant no.1 namely Khoda Nawaz died intestate on 17.08.2024 leaving behind him his wife Ayesa Khatun and one son Aslam Ahmed as his legal heirs and prayed for substitution of their names in the cause title of the instant Execution Case.

Perused the petition and the materials on record.

Considering the petition, submission of Ld. Advocate for the decreeholders/petitioners and the materials on record, I find no impediment to allow the petition filed by the decreeholders/petitioners.

Hence, it is

**ORDERED**

that the petition under Or.22 R.4 of C.P.C. filed by the petitioners/decreeholders is allowed.

Let the name of O.P./defendant no.1, Khoda Nawaz, since deceased, be deleted from the cause title of the Execution Petition and the names of his wife Ayesa Khatun and one son Aslam Ahmed be incorporated as O.P./defendant nos. I(a) and I(b) in his place.

Decreeholders/petitioners are directed to file amended Execution Case petition.

Fix 08.01.2025 for filing amended Execution Case and verification and order.

Dictated and corrected by me,

JUDGE

JUDGE  
[5TH BENCH]