

EJECTMENT SUIT NO :- 82/2014
(CNR No. WBPS01-000098-2014)
(JO CODE No. WB01229)

Order no. - 63
Dt. 10.01.2022

Today is fixed for hearing of petition dated 19.02.2020 under Order 22 Rule 10 of CPC read with Section 151 of CPC.

None appears on behalf of the defendant.

Resolution dated 03.01.2022 was taken up by Local Bar.

Seen the notice dated 01.01.2022 of Hon'ble High Court at Calcutta.

Perused the instant petition and materials on record.

Heard Ld. Advocate for the plaintiff who submitted that the sole plaintiff has been died on 18.11.2019. Before her death she executed one Will in favour of the present petitioner and present petitioner has prayed before this court to insert his name as plaintiff to conduct the instant suit on behalf of the deceased plaintiff and hence, prayed for allowing the present petition.

Considered.

Perused the petition and materials on record.

On perusal of the same it appears that copy of the will has been filed by the present petitioner and where from it appears that the present petitioner name was recorded as Executor of the Will which was executed by the plaintiff since deceased and it also appears that Probate of the said will has not been filed.

Accordingly, it appears that to conduct the present suit of the deceased plaintiff, the name of the present petitioner should be incorporated in the cause title of the original plaint for further proceeding and also for proper adjudication of this case.

Hence, it is

ORDERED

that the petition dated 19.02.2020 under Order 22 Rule 10 of CPC read with Section 151 of CPC is hereby allowed.

Let the name of the petition is inserted in place of the deceased plaintiff the cause title of the plaint.

B.C.-1 is directed to amend the cause title of the plaint.

Plaintiff is directed to file amended plaint in the meantime.

To 04.03.2022 for evidence of P.W-2.

Judge, Bench – II,
P.S.C. Court, Calcutta.