

Ejectment Suit 147 of 2019.

[CNR No WBPS 01 000151 2019]

Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-28.

30-01-2024.

Today is fixed for hearing of petition u/s 7(3) of W.B.P T Act together with its Written Objection filed by the defendant and consideration of defendant's petition u/s 151 of C.P.C dt 21-06-2023, w/o if any in the mean time and filing of Commissioner's report.

Today petitioner, one Sanjoy Kumar Sen files a petition u/o-22 Rule 3 of C.P.C along with vakalatnama praying for his substitution in place of the deceased plaintiff Bijoy Gopal Sen. Copy served.

Defendant files original Court deposit challans, original information slip, and photocopy of Court deposit challans as per list. Let the same be kept with the case record.

Defendant also files two separate applications , one u/-5 of Limitation Act and another petition u/s 151 of C.P.C on the ground stated therein. Copies served. Objection endorsed.

Today Ld. Advocate Commissioner files his report along with annexures. Let the same be kept with the case record. Ld. Advocate Commissioner also files bill for the cost of his Commission work. Let the same be sent to the department concerned for scrutiny and verification.

Parties are found present on call. The matter is taken up for hearing.

Ld. Advocate for the petitioner submitted that during the pendency of the suit, sole plaintiff namely Bijoy Gopal Sen died intestate on 03-01-2024 leaving behind his only son namely Sanjay Kumar Sen who is the present petitioner. It is further contended that of the wife of the said deceased sole plaintiff, predeceased him on 09-07-2023.

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Therefore, by filing a petition u/o-22 Rule 3 of C.P.C , the petitioner has prayed for substitution in place of the deceased plaintiff in the suit. In support of his contention, two photocopies of death certificates ,of the are annexed with the petition.

Ld. Advocate for the defendant raised no objection.

Perused the petition and materials on record.

Also perused the photocopies of death certificates which are annexed with the petition wherefrom it reveals that the sole plaintiff Bijoy Gopal Sen died on 03-01-2024. The petitioner has filed the instant petition for substitution today itself i.e on 30-01-2024 .So, the petition is within time. The contention of the petitioner that the wife of the deceased plaintiff predeceased him is supported by affidavit.

Therefore, at this stage, this Court finds no impediment in allowing the prayer of the petitioner.

Hence, it is,

Ordered

that the petition filed u/o-22 Rule 3 read with Section 151 of C.P Code dated 30-01-2024 by the petitioner/ legal representative of the plaintiff is hereby allowed on consent.

Let the name of deceased plaintiff Bijoy Gopal Sen be deleted from the Cause Title of the plaint and in his place, the name of the petitioner namely Sri Sanjoy Kumar Sen substituted as plaintiff .

Amend the plaint accordingly along with his particulars. Note the same in register. Make necessary data entries in the CIS system also.

Office to do the needful.

At this stage, Ld. Advocate appearing for the plaintiff verbally prays for time for filing W/O against the petitions of the defendant filed today, which is considered and allowed.

Fix (**24-04-2024**) for hearing of petition u/s 7(3) of W.B.P T Act dt 22-12-2021 filed by the plaintiff together with its Written Objection filed by

p.t.o....

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(contd.....)

30-01-2024.

the defendant dt 21-06-2023 and consideration of defendant's petition u/s 151 of C.P.C dt 21-06-2023. To- date is also for consideration of defendant's two petitions , one u/-5 of Limitation Act and another petition u/s 151 of C.P.C dt 30-01-2024, w/os if any in the mean time and awaiting report from the department regarding bill submitted by the Ld. Advocate Commissioner this day.

Dictated & corrected

by me :-

Chief Judge.

Chief Judge

J.O .Code:- WB 01244.