

MISC. CASE. :- 33 OF 2022
(CNR No. WBPS01-000150-2022)
(JO CODE No. WB01229)

Order No. - 47
Dt. 11.08.2023

Today is fixed for hearing of the petition dated 27.07.2023 under Order 22 Rule 4A, read with Section 151 of CPC filed by the petitioner/ Dhr.

Both parties file hazira.

Heard the Ld. Advocate for the parties.

Considered.

Perused the instant petition and other materials on record.

On perusal, I find that the opposite party no. 1 namely Mrs. Teresa Coomar died on 21.06.2023 without leaving any legal heirs and as per provision of Premises Tenancy Act 1997, none are entitled to claim the suit premises and so, in absence of legal heirs of the opposite party no. 1, it is necessary to appoint the Administrator General of West Bengal in place of the said opposite party no. 1.

In the aforesaid circumstances, I have no hesitation to allow the present petition filed by the petitioner.

Hence, it is

ORDERED

that the petition dated 27.07.2023 under Order 22 Rule 4A, read with Section 151 of CPC filed by the Petitioner/Dhr. is hereby allowed.

Let the name of the Administrator General of West Bengal be substituted in place of the deceased opposite party no. 1 as stated in the petition dated 27.07.2023.

D/A is directed to incorporate the name of the Administrator General and Official Trustee of West Bengal in place of the deceased opposite party no. 1 on the cause title of the Misc. case application.

Petitioner/Dhr. is hereby directed to file fresh Misc. case application and take necessary steps against the opposite parties.

The petition is thus disposed of.

To 21.09.2023 for filing steps by the Petitioner/Dhr.

[Dictated and corrected by me]

Sd/-
(Manabendra Nath Ghosh)
Judge, Bench – II,
Presidency Small Cause Court,
Calcutta.

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