

MISC. CASE NO. 41 OF 2021  
EJ. EXECUTION CASE NO. 219 OF 2018  
C. N. R. NO. WBPS01-000153-2021  
Before Sri Sridhar Chandra Su, Ld. Judge, 5<sup>th</sup> Bench.

ORDER NO. 31 DATED 20.05.2022

Today is fixed for hearing of the petition under Or.22 R.4 of C.P.C.

Both parties have filed their respective haziras.

Ld. Advocates for both sides are present.

The record is taken up for hearing of the petition.

Heard ld. Advocates for both sides.

Perused the petition and the materials on record.

It is submitted by the Petitioner through the instant petition that the O.P. no.1 namely Gregory Simpson died intestate on 10.12.2021 leaving behind his wife Smt. Kakoli Simpson and son Mr. Victor Simpson and accordingly prayed for an order expunging the name of deceased O.P. no.1 and inserting the names of his legal heirs as opposite parties in this suit.

Considering the submissions of ld. Advocates for both sides, the petition and the materials on record, I find that the O.P. no.1, Gregory Simpson died intestate on 10.12.2021 leaving behind his wife and one son and instant petition has been filed on 07.01.2022 i.e. well within the stipulated period and hence I find no impediment to allow the instant petition.

Hence, it is Ordered that the petition under Or.22 R.4 of C.P.C. dated 07.01.2022 is allowed on contest.

Let the name of deceased O.P. no.1, Gregory Simpson be deleted and the names of his wife Smt. Kakoli Simpson and son Mr. Victor Simpson be inserted as O.P. nos.1(a) and 1(b) in this suit.

Note it in the relevant register.

Petitioner is directed to substitute copy of Misc. Case petition positively on the date fixed.

Fix 09.06.2022 for filing substituted copy of Misc. Case petition.

Dictated and corrected by me,

JUDGE

JUDGE  
[5TH BENCH]  
J.O. Code No. WB-00-620

EJECTMENT SUIT NO. 219 OF 2018  
C. N. R. NO. WBPS01-000720-2018.  
Before Sri Sridhar Chandra Su, Ld. Judge, 5<sup>th</sup> Bench.

ORDER NO. 32 DATED 20.05.2022

Today is fixed for hearing of the petition under Or.22 R.4 of C.P.C.

Both parties have filed their respective haziras.

Ld. Advocates for both sides are present.

The record is taken up for hearing of the petition.

Heard ld. Advocates for both sides.

Perused the petition and the materials on record.

It is submitted by the plaintiff through the instant petition that the defendant no.1 namely Gregory Simpson died intestate on 10.12.2021 leaving behind his wife Smt. Kakoli Simpson and son Mr. Victor Simpson and accordingly prayed for an order expunging the name of deceased defendant no.1 and inserting the names of his legal heirs as defendants in this suit.

Considering the submissions of ld. Advocates for both sides, the petition and the materials on record, I find that the defendant no.1, Gregory Simpson died intestate on 10.12.2021 leaving behind his wife and one son and instant petition has been filed on 07.01.2022 i.e. well within the stipulated period and hence I find no impediment to allow the instant petition.

Hence, it is Ordered that the petition under Or.22 R.4 of C.P.C. dated 07.01.2022 is allowed on contest.

Let the name of deceased defendant no.1, Gregory Simpson be deleted and the names of his wife Smt. Kakoli Simpson and son Mr. Victor Simpson be inserted as defendant nos.1(a) and 1(b) in this suit.

Note it in the relevant register.

Plaintiff is directed to substitute copy of plaint positively on the date fixed.

Fix 09.06.2022 for filing substituted copy of plaint.

Dictated and corrected by me,

JUDGE

JUDGE  
[5TH BENCH]  
J.O. Code No. WB-00-620.

