

Ejectment Suit 89 of 2025.
(CNR No. WBPS01-000212 -2025)

Before Smt Chandrani Mukherjee Banerjee Ld. Chief Judge.

12.

15/05/2026.

Today is fixed for submissions of Commissioner's report and also for hearing of petition u/s 7(2) of W.B.P T Act filed by the defendant, w/o if any in the mean time.

Plaintiff files hazira.

One death intimation report has been submitted today on behalf of the defendant informing that the sole defendant died on 25/02/2026.

Plaintiff files an application u/o-22 Rule 4 read with Section 151 of C.P Code on the ground stated therein.

The petition is taken up for hearing.

Ld. Advocate for the plaintiff submitted that the plaintiffs have instituted the instant suit against the defendant for eviction and recovery of khas possession but during the pendency of the suit, the sole defendant Gita Dey passed away on 25/02/2026 leaving behind

Arnab Kumar Dey (son) and Supriya Dey (wife of late Ashit Kumar Dey) as her legal heirs, who are required to be brought on record. Therefore, by filing the instant petition, the plaintiff is praying for substitution of the legal representatives of the deceased defendant.

Heard Ld. Advocate for the plaintiff.

Perused the petition and materials on record.

Considered.

Although no document has been annexed with the petition by the plaintiff regarding the fact of the death of the defendant, but it appears that today one death intimation has been filed on behalf of the defendant informing that the sole defendant died on 25/02/2026.

The instant petition has been filed today therefore appears within the prescribed period of time under the Act.

Further, the instant petition is supported by affidavit of plaintiff no-4.

p.t.o.....

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So, considering the factual aspects , this Court finds that the petition filed by the plaintiffs may be allowed for ends of justice, at the risk of the plaintiffs.

Hence,

it is,

Ordered

that the petition of the plaintiff u/o-22 Rule 4 read with Section 151 of C.P Code dated 15/05/2026 is hereby allowed .

Let the name of deceased sole defendant Gita Dey be deleted from the Cause Title of the plaint and in his place, the names and particulars of the persons as mentioned in the schedule of the instant application be substituted as defendant no-1(a) ,1(b) respectively. Amend the plaint accordingly. Note the same in register. Make necessary data entries in the CIS system also.

Plaintiff is directed to file amended plaint and requisites for service of summons along with amended plaint upon the substituted defendants.

Fix (**08/06/2026**) for filing amended plaint by the plaintiffs and taking steps for service of summons in both ways upon the substituted defendants by the plaintiff.

Chief Judge.

J.O. Code WB 01130.