

Ejectment suit 428 of 2019.

(C.N.R. No:- WB PS 01 001044 2019)

Before Smt. Chaitali Chatterjee Das:- Ld. Chief Judge.

07.

09/02/2021.

Today is fixed for hearing of petition u/o-20 Rule 3 of C.P Code, w/o, if any in the mean time and acceptance of w/s filed by the defendant on 19-10-2020.

Both parties file haziras. On call, Ld, Advocates for the contesting parties are found present. The matter is taken up for hearing.

Ld advocate for the plaintiff has submitted that the plaintiff no-(1) Ganesh Prasad Derasari died intestate on 26/07/2020 leaving behind the instant petitioners as his legal heir and successors , who are all the sons of the deceased plaintiff no-1 and right to sue survives upon them. As such ,they may be substituted as plaintiff no 1(a), 1(b) & 1(c) respectively in the suit. In support of his contentions, one Xerox copy of death certificate is annexed with the petition.

Ld. Advocate for the O.P/ defendant raised no objection but prays for accepting the written statement.

Heard both sides.

Perused the petition and materials on record.

Also perused the Xerox copy of death certificate is annexed with the petition which reveals that plaintiff no-(1), Ganesh Prasad Derasari died on 26-07-2020. It further reveals from the order sheet that on 19-10-2020 , plaintiff has filed the instant petition for substitution .So, the petition is within time.

Unless the instant petition is allowed, the petitioners shall not be able to proceed with the suit.

So, considering the facts and circumstances, the petition filed by the petitioners is allowed for ends of justice.

Hence, it is,

Ordered

that the petition of the plaintiff u/o-22 Rule 3 of C.P Code dated 19-10-20 is hereby allowed on consent but without cost at the sole risk of the petitioners.

Let the name of deceased plaintiff no-1 Ganesh Prasad Derasari be deleted from the cause title of the plaint and in his place, the names of the persons as mentioned in the prayer portion of the instant application be substituted as plaintiff no-1(a)& 1(c) respectively. Amend the plaint accordingly. Note the same in register. Plaintiff is directed to file amended plaint by the next date and take steps.

Written statement filed by the defendant on 19/10/2020 is also accepted.

Fix. (20/03/2021) .for filing of amended plaint by the plaintiff after service of copy upon the other side and taking steps by the plaintiff.

Cj.

Chief Judge.

J.O. Code WB 01 056.