

EJECTMENT SUIT NO. :- 217 OF 2010
(CNR No. WBPS01-000312-2010)
(JO CODE No. WB01165)

Before Smt. P. Shukla, Ld. Judge, 2nd Bench.

Order no. - 116
Dt. 05.03.2026

Today is fixed for hearing of an application filed by the plaintiff wherein plaintiff prays to waive the cost of Rs.1000/- as per order no. 112 dated 14.07.2025. It is submitted by Ld. Advocate for the plaintiff that during pendency of the suit, the plaintiff died because of which no step was taken on 2/3 occasions and laches was not intentional.

Defendant raised strong objection.

Heard. Considered.

Perused the case record.

The court is of the view that in case of death of plaintiff, the plaintiff is to comply procedure requirement by taking necessary step which is not done by the plaintiff in the instant suit.

Therefore, the show cause was issued to the plaintiff which is considered and accepted by Order no. 112 dated 14.07.2025 with a cost of Rs.1000/- by the plaintiff to the defendant and in such circumstances, the court is not inclined to waive the cost of Rs.1000/-.

Plaintiff is directed to comply order No. 112 dated 14.07.2025 in respect of payment of cost of Rs.1000/- by plaintiff to the defendant.

An application Under Order 22 Rule 2 read with Section 151 of CPC filed by plaintiff is taken up for hearing.

It is submitted by Ld. Advocate for the plaintiffs that plaintiff no. 1 Aruna Shukla died on 05.04.2024 leaving being plaintiffs no. 2, 3, 5 and 6 as her legal heirs who jointly inherited this year in the suit property as left by their mother along with the other plaintiffs.

The plaintiff prays to expunge the name of plaintiff no.1 from the cause title of the instant suit.

Defendant raised strong objection.

Heard. Considered.

Perused the case record.

The court is of the view that the legal heirs and representatives of deceased plaintiff no. 1 namely Aruna Shukla are already on the record and in such circumstances, it would be just and proper if the name of deceased plaintiff no. 1 would be expunge from the cause title of the plaint.

Hence, it is

ORDERED

That the application under Order 22 Rule 2 read with Section 151 of CPC is allowed on contest without any order as to cost.

Let the name of deceased plaintiff no. 1 Aruna Shukla be expunged from the cause title of the plaint.

B.C-1 is to do the needful.

To 29.04.2026 for payment of cost of Rs.1000/- by plaintiff to the defendant and P.W-2, if any.

D/C by me.

Sd/-

Judge, Bench - II,
P.S.C. Court, Calcutta.

Sd/-

Judge, Bench - II,
P.S.C. Court, Calcutta.