

**EJECTMENT SUIT NO. 159 OF 2025**  
**C. N. R. NO. WBPS01-000345-2025**  
**Before Smt. A. Bhattacharya, Ld. Judge, 5<sup>th</sup> Bench.**

**ORDER NO.11DATED20.05.2026**

Both parties file hazira.

Today is fixed for framing of Issues.

Ld. Advocates for both sides are present.

Plaintiff has also filed one petition under Or.22 R.3 read with Sec.151 of C.P.C. on affidavit along with one xerox copy of Death Certificate praying for allowing this application by substituting the names of Susmita Pyne and Anusstup Pyne in place of the deceased plaintiff Aurobinda Pyne on the ground stated therein and to proceed with the instant suit.

The record is taken up for hearing of the petition filed by the plaintiff today by filing which it is stated by the ld. Advocate for the plaintiff that the sole plaintiff namely Aurobinda Pyne died on 22.02.2026 leaving behind his wife namely Suslmita Pyne and his only son Anustup Pyne. One copy of Death Certificate is also filed wherefrom it is crystal clear that the sole plaintiff died on 22.02.2026 and the instant petition is filed on 19.05.2026 i.e. within the stipulated period.

Heard ld. Advocate for the plaintiff.

Perused the petition and the materials on record.

Considering the petition, materials on record and the submission of ld.Advocate for the plaintiff, I am constrained to hold that the instant petition of the plaintiff is well within the time and it should be allowed.

Hence, it is

**ORDERED**

that the petition filed under Or.22 r.3 read with Sec.151 of C.P.C. filed by the plainbtiff today is allowed on contest.

Let the name of Aurobinda Pyne, the sole plaintiff, since deceased, be deleted from the cause title of the plaint and the name of his wife, Susmita Pyne and only son Anustup Pyne be inserted as Plaintiff no.l(a) and l(b) respectively in the cause title of the plaint.

Plaintiff is directed to file amended copy of plaint within 15 days from the date of this order after serving copy of the same upon the defendant.

Fix ..... for filing amended copy of Plaint and framing of Issues.

Dictated and corrected by me,

JUDGE

JUDGE  
[5TH BENCH]

