

Ejectment Suit 37 of 2023.

[ CNR WBPS01 000064 2023 ]

Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-08.

23-11-2023.

Today is fixed for hearing of the petition u/s 7(2) of W.B.P T Act filed by the defendant dt 24-03-2023, w/o if any in the mean time and hearing of petition filed by the plaintiff dt 16-05-2023 and acceptance W/S filed by the defendant on 16-06-2023.

Parties file haziras. Plaintiffs files photocopy of death certificate of plaintiff no-1 in High Court Form No J(22). Let the same be kept with the case record.

Parties are found present on call. The matter is taken up for hearing. Ld. Advocates for the parties prayed for taking up the petition of the plaintiff dt 16-05-2023 for consideration. Accordingly, the same is taken up for hearing. Heard both sides. Perused the petition and materials on record.

Considered.

By filing the instant application, plaintiffs have prayed for expunging the name of plaintiff no-1 Smt. Sumitra Das from the Cause Title of the plaint on the ground that plaintiff no-1 expired on 16-02-2023. It is further submitted that the plaintiff no-2 and plaintiff no-3 are the only legal heirs of the deceased plaintiff no-1 and they are already on record. Ld. Advocate for the plaintiff prayed for allowing his petition.

Ld. Advocate for the defendant has raised no objection.

From the photocopy of death certificate filed by the plaintiff today, it reveals that plaintiff no-1 Sumitra Das died on 16-02-2023. The petition is supported by the affidavit of the constituted attorney of the plaintiffs who is also the signatory of the plaint. This Court therefore finds no reason not to allow the petition of the plaintiff.

p.t.o.....

Hence,

it is

Ordered

that the petition dt 16-05-2023 filed by the plaintiffs is considered and allowed on consent.

Let the name of deceased plaintiff no-1 Smt Sumitra Das be expunged from the Cause Title of the plaint.

Amend the plaint accordingly, note the same in the register. Office to do the needful and make entries in the C.I System.

Further hearing of the matter is adjourned for this day, fixing **17.02.2024** for hearing of the petition u/s 7(2) of W.B.P T Act filed by the defendant dt 24-03-2023, w/o if any in the mean time and acceptance W/S filed by the defendant on 16-06-2023.

Dictated & corrected

by me :-

Chief Judge.

Chief Judge

J.O .Code:- WB 01244.