

EJECTMENT SUIT NO. 305 OF 2024
C. N. R. NO. WBPS01- 000616 -2024
Before Smt. A. Bhattacharya, Ld. Judge, 5th Bench.

ORDER NO. 12 DATED 12.08.2025

Both parties file hazira.

Today is fixed for submission of commission report and hearing of the petition under Or.6 R.17 read with Sec.151 of C.P.C. filed by the plaintiffs.

Ld. Advocates for both sides are present.

The record is taken up for hearing of the petition under Or.XXII R.3 read with Sec.151 of C.P.C. filed by the plaintiff no.4 on 10.07.2025 by filing which it is stated by the ld. Advocate for the petitioner that the instant suit has been filed against the defendants for eviction and delivery of vacant peaceful possession of the suit property. During pendency of the instant suit, plaintiff no.1 namely Dr. Rabindra Nath Bhar had died intestate on 02.07.2025 leaving behind his wife, his only son and his only daughter mentioned in the schedule to this petition. Since the right to sue survives upon the legal heirs of the deceased plaintiff and the said legal heirs are sui juris. So, the names of the legal heirs of the deceased plaintiff no.1, as mentioned in the schedule, is required to be substituted.

Perused the petition and the materials on record.

Heard ld. Advocates for both sides.

Considering the submissions of ld. Advocates for both sides, the petition and the materials on record, I find that the plaintiff no.1 namely Dr. Rabindra Nath Bhar has died intestate on 02.07.2025 leaving behind his widow, son and daughter as legal heirs as mentioned in the instant petition and the instant petition has been filed on 10.07.2025. So, the petition is within the statutory period and as such, I find no impediment to allow the instant petition of the plaintiff.

Hence, it is

ORDERED

that the petition under Or.XXII R.3 read with Sec.151 of C.P.C. filed by the plaintiff no.4 on 10.07.2025 is allowed on contest.

Let the name of Plaintiff no.1, Dr. Rabindra Nath Bhar be expunged from the cause title of the plaint and the names of Sudha Bhar, Santanu Bhar and Sudakshina Bhar be inserted as Plaintiff nos. l(a), l(b) and l(c) respectively in the cause title of the plaint.

Plaintiff is directed to file amended copy of plaint within the next date.

Fix 22.08.2025 for filing amended copy plaint and hearing of the petition under Or.VI R.17 read with Sec.151 of C.P.C. filed by the Plaintiffs on 22.07.2025.

Dictated and corrected by me,

JUDGE

JUDGE
[5TH BENCH]