

EXECUTION CASE NO. :- 85 OF 2021
(CNR No. WBPS01-000511-2021)
(JO CODE No. WB01229)

Order No. - 49
Dt. 11.08.2023

Today is fixed for hearing of the petition dated 27.07.2023 under Order 22 Rule 4A, read with Section 151 of CPC filed by the Dhr.

Both parties file hazira.

Heard the Ld. Advocate for the parties.

Considered.

Perused the instant petition and other materials on record.

On perusal, I find that the Judgement debtor namely Mrs. Teresa Coomar died on 21.06.2023 without leaving any legal heirs and as per provision of Premises Tenancy Act 1997, none are entitled to claim the suit premises and so, in absence of legal heirs of the Jdr., it is necessary to appoint the Administrator General of West Bengal in place of the said Jdr.

In the aforesaid circumstances, I have no hesitation to allow the present petition filed by the petitioner.

Hence, it is

ORDERED

that the petition dated 27.07.2023 under Order 22 Rule 4A, read with Section 151 of CPC filed by the Dhr. is hereby allowed.

Let the name of the Administrator General of West Bengal be substituted in place of the deceased Jdr. as stated in the petition dated 27.07.2023.

D/A is directed to incorporate the name of the Administrator General and Official Trustee of West Bengal in place of the deceased Jdr. on the cause title of the execution application.

Dhr. are hereby directed to file fresh execution application and take necessary steps against the substituted Jdr.

The petition is thus disposed of.

To 21.09.2023 for filing steps by the Dhr.

[Dictated and corrected by me]

Sd/-
(Manabendra Nath Ghosh)
Judge, Bench – II,
Presidency Small Cause Court,
Calcutta.

Sd/-
(Manabendra Nath Ghosh)
Judge, Bench – II,
Presidency Small Cause Court,
Calcutta.