

Ej Suit 336 of 2014
WBPS01-000550-2014

Before: Smt. Sudipa Banerjee, Ld. Judge, 3rd Bench

Order no. 55

Date: 24-11-2022

Today is fixed for hearing of the petition u/o XXII Rule 4 r/w sec 151 of CPC filed by the plaintiff dt. 23.08.2022. W/o if any, in the mean time.

Plaintiff files hazira.

Defendant no 3 files hazira.

Today, the petition u/o XXII Rule 4 r/w sec 151 of CPC filed by the plaintiff dt. 23.08.2022 is taken up for hearing.

Heard Ld. Advocate for both sides.

Perused the petition and materials on record.

By the instant petition plaintiff has contended that, defendant no 2 Dilip Kumar Mullick died intestate on 07.08.2022 leaving behind him , his daughter Tulika Das as his legal heirs and representative. Legal heirs of the defendant no 2 be substituted in the cause title of the plaint.

Considered.

As the right to sue survives and devolved upon the legal heir and successor of the deceased defendant no 2, this Court is inclined to allow the instant petition filed by the plaintiff.

Hence, it is

Ordered

that , the petition u/o XXII Rule 4 r/w sec 151 of CPC filed by the plaintiff dt. 23.08.2022 is allowed.

Let the name of the deceased defendant no 2 Dilip Kumar Mullick be substituted by (2) Tulika Das – daughter in the cause title of the plaint.

Note in the register. Bench Clerk to do the needful.

Plaintiff is directed to file amended copy of plaint and taking necessary steps for service of copy of the amended plaint upon the substituted defendant.

Fix **08.12.22** for filing amended plaint by the plaintiff.

Sudipa Banerjee
(J.O. Code: WB 01148)
Judge,
3rd Bench,
Presidency Small Cause Court,
Calcutta