

EJECTMENT SUIT NO. 375 OF 2017
C. N. R. NO. WBPS01-000989-2017
Before Sri Sridhar Chandra Su, Ld. Judge, 5th Bench.

ORDER NO. 32 DATED 08.03.2022

Today is fixed for hearing of the petition under Or.XXII R.3 read with Sec.151 of C.P.C.
Both parties have filed their respective haziras.

Ld. Advocates for both sides are present.

The record is taken up for hearing of the petition.

Heard ld. Advocates for both sides.

Perused the petition and the materials on record.

It is submitted by the ld. Advocate for the petitioners that the Plaintiff no.2 namely Nirmal Chand Dutta has died intestate on 03rd May 2021 leaving behind his widow and one son as mentioned in para-2 of the petition and prayed for substituting the names as plaintiffs in this suit. Petitioners have also filed one fresh Vokatnama and xerox copy of death certificate.

On perusal of the materials on record, it appears that the plaintiff no.2 namely Nirmal Chand Dutta died intestate on 03rd May 2021 leaving behind the petitioners as his legal heirs and successors and the instant petition has been filed on 27.07.2021 i.e. well within the period of limitation.

Considering the submissions of ld. Advocates for both sides, the, petition and the materials on record, it appears that the petition filed by the petitioners is filed within stipulated time and it should be allowed.

Hence, it is

ordered

that the petition under Or.XXII R.3 read with Sec.151 of C.P.C. dated 27.07.2021 is allowed on contest.

Let the names of the petitioners be incorporated as Plaintiff nos. 2(a) and 2(b) instead and in place of deceased plaintiff no.2.

Plaintiffs are directed to file amended copy of plaint on the next date.

Fix 23.03.2022 for filing amended copy of plaint.

Dictated and corrected by me,

JUDGE

JUDGE
[5TH BENCH]
J.O. Code No. WB-00-620.