

**Ej Suit 201 of 2018**

WBPS01-000655-2018

**Before: Sri Sangram Saha @ Gautam Saha, Ld. Judge**  
**3<sup>rd</sup> Bench**

**Order no. 22**

**Date: 21-03-2022**

Today is fixed for showing cause by the defendant and for hearing of the petition u/o 7 r-11 r/w sec 151 of CPC dt. 07.09.2018 filed by the defendant.

Legal heirs of the plaintiff file hazira and a petition u/o XXII rule 3 of CPC. Copy not served but attached.

Defendant takes no step.

Today the petition u/o XXII rule 3 of CPC filed by the legal heirs of the plaintiff is taken up for hearing.

Heard Ld. Advocate for the petitioners.

Perused the petition and materials on record.

By the instant petition petitioners have contended that , the sole plaintiff Mehmuda Khatoon died on 11.12.2021 leaving behind her a) Mohammad Ayub, son, b) Zubaida Khatoon , daughter, c) Tahera Khatoon, daughter as her surviving legal heirs and legal representatives. The right to sue survives upon the surviving legal heirs and successors of deceased sole plaintiff and as such name of a) Mohammad Ayub, son, b) Zubaida Khatoon , daughter, c) Tahera Khatoon, daughter may be substituted and recorded in place and stead of the deceased Mehmuda Khatoon in the cause title of plaint of the instant suit. Unless the said prayer is allowed petitioners shall suffer loss and injury.

Considered.

As the right to sue survives and devolved upon the legal heir and successor of the deceased plaintiff , this Court is inclined to allow the instant petition. Legal heirs of the deceased sole plaintiff have filed one death certificate of plaintiff and other annexures in support of their claim. Hence it is ,

Ordered

that, the petition XXII rule 3 of CPC filed by the legal heirs of the plaintiff this day is hereby allowed.

Let the name of legal heirs of the plaintiff be substituted and recorded in place of deceased sole plaintiff Mehmuda Khatoon in the cause title of the plaint.

Contd....

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Note in the register. BC I to do the needful.

Plaintiffs are directed to file amended copy of plaint.

Fix **04-05-2022** filing amended copy of plaint by the plaintiffs.

**Sangram Saha**  
(J.O. Code: WB1037)  
Judge,  
Presidency Small Cause Court,  
3<sup>rd</sup> Bench,  
Calcutta