

EJECTMENT SUIT NO. 339 OF 2017
C. N. R. NO. WBPS01-000903 - 2017
Before Smt. A. Bhattacharya, Ld. Judge, 5th Bench.

ORDER NO.48 DATED 12.08.2025

Plaintiff files hazira.

Defendant also files hazira along with a receipt showing payment of cost of Rs.2000/- by the defendant.

Today is fixed for filing receipt showing payment of cost of Rs.2000/- to the plaintiff by the defendant and further cross examination of P.W.1.

Plaintiff files an application under Sec.151 of C.P.C. on affidavit praying for expunging the name of Sri Nil Kanta Auddy from the record of the instant suit/plaint on the ground stated therein.

The record is taken up for hearing of the petition under Sec.151 of C.P.C. filed by the plaintiff today by filing which it is stated by the plaintiff that the instant suit has been filed by the plaintiffs for decree of khas possession. During pendency of the suit, one of the Trustees of deity polaintiff namely Sri Nil Kanta Auddy died on 30.07.2025 and as such prayed for expunging his name from the record of the plaint. Along with the instant petition, plaintiff has also filed photocopy of death certificate.

Perused the petition and the materials on record.

Heard ld. Advocates for both sides.

On careful perusal of the petition and the materials on record, it appears that Sri Nil Kanta Auddy, Plaintiff no.1 died on 30.07.2025 and the instant petition has been filed today i.e. well within the stipulated period and as such, I find no impediment to allow the prayer of the plaintiff.

Hence, it is

ORDERED

that the petition under Sec.151 of C.P.C. filed by the plaintiff today is allowed on contest.

Let the name of Sri Nil Kanta Auddy be expunged from the cause title of the plaint.

Note it in the cause title of the plaint and the relevant register.

B.C. II to do the needful at once.

Now, the record is taken up for further cross examination of P.W.1.

P.W.1, Rama Kanta Auddy is also present.

P.W.1 is further cross examined in part and further cross examination of P.W.1 is deferred at this stage on the prayer of ld. Advocate for the defendant.

Fix 23.09.2025 for further cross examination of P.W.1.

Dictated and corrected by me,

JUDGE

JUDGE
[5TH BENCH]