

Misc Case 76 of 2023.  
[ Arising out of Ejectment Suit 434 of 2019.]  
[ u/o-22 Rule 9 of C.P Code}  
(CNR No. WBPS01-000269-2023.)  
Before Smt Chandrani Mukherjee Banerjee Ld. Chief Judge.

53.

14/01/2026.

Today is fixed for consideration of affidavit of competency and photocopy of General Power of Attorney filed by the petitioner on 31-01-2025 and further order.

Petitioner takes no step.

However, at the time of hearing, Ld. Advocate for the petitioner is found present.

Heard submissions from the Ld. Advocate for the petitioner.

Careful perusal of the Order sheet goes to show that the instant Misc Case u/o- 22 Rule 9 read with Section 151 of the C.P Code has been filed by the petitioner for setting aside the abatement of the suit with regard to the death of plaintiff no-1 with further prayer for substitution of the sole legatee of the deceased plaintiff no-1 Pradip Goenka who died on 28-01-2023 .

Perused the affidavit of competency dated 31-01-2025 filed on behalf of the petitioner, as well as photocopy of general power of attorney dated 25 th February 2019 and materials on record wherefrom prima facie it appears that the petitioner is competent to proceed with the Misc Case.

Therefore the Misc Case is admitted.

Record reveals that process is lying with the case record.

Accordingly, department is directed to issue the same after proper verification in both ways upon the O.Ps.

To ( 05/03/2026 ) for S/R, A/D and appearance of the O.Ps

Chief Judge.

J.O. Code WB 01130

Ejectment Suit 434 of 2019.

(CNR No. WBPS01-001056-2019.)

Before Smt Chandrani Mukherjee Banerjee Ld. Chief Judge.

54.

14/01/2026.

Today is fixed for consideration of affidavit of competency filed by the plaintiff and further order.

Plaintiffs file hazira.

Record reveals that on the strength of a put up petition, defendant no-1 has filed a petition for recalling of Order dt 06-11-2025 on the grounds stated therein.

Ld. Advocate for the plaintiff is found present.

Ld. Advocate for the defendant no-1 is also present.

Heard submissions from the respective parties.

Perused the affidavit of competency filed on behalf of the plaintiffs dated 31-01-2025 and other materials on record. The affidavit of competency filed on behalf of the plaintiffs dated 31-01-2025 is accepted.

Record reveals that a Misc Case being no 76 of 2023 arising out of the abatement of the suit in regard to death of plaintiff no-1 Pradeep Goenka is pending wherein substitution of the sole legatee of the deceased plaintiff no-1 Pradip Goenka has been prayed for. Therefore, this Court finds that unless all the necessary parties are brought on record, this present suit should not be proceeded now. Therefore, the further hearing of the matter is adjourned.

Accordingly, fix **(05/03/2026)**.awaiting order in Misc Case 76 of 2023.

Chief Judge.

J.O. Code WB 01130