

Ej Ex 200 of 2017
WBPS01-001081-2017

Before: Sri Sangram Saha @ Gautam Saha, Ld. Judge 3rd Bench

Order no. 43

Date: 18-02-2022

Today is fixed for hearing of the petition u/o 22 R-3 of CPC.

Ld. Advocates for both sides found present.

Today, the petition u/o 22 R-3 of CPC is taken up for hearing.

Heard Ld. Advocate for the decree holder. Perused the petition and materials on record.

By the instant petition decree holder has contended that, shebait of decreeholder Prafulla Kumar Sur died on 07.08.2009 leaving behind his son Ashim Sur as surviving legal heir and successor. The right to sue survives upon the legal heir and successor of deceased shebait of the decree holder and as such name of Ashim Sur may be substituted and recorded in place and stead of the deceased Prafulla Kumar Sur. Unless the said prayer is allowed decree holder shall suffer loss and injury.

As the right to sue survives and devolved upon the legal heir and successor of the deceased shebait of the decree holder , I am inclined to allow the instant petition.

Hence it is ,

Ordered

that, the petition u/o 22 Rule 3 of CPC r/w sec 151 of CPC dt. 25.09.2019 is hereby allowed.

Let the name of Ashim Sur , son of Prafulla Kumar Sur be substituted and recorded in place of shebaits of the decree holder in the tabular statement of the instant execution case. .

Decree holder is directed to file amended copy of the tabular statement.

Fix **29-03-2022** for filing amended copy of tabular statement by the decree holder.

Sangram Saha

(J.O. Code: WB1037)

Judge,

Presidency Small Cause Court,

3rd Bench,

Calcutta