

**Misc. Case No. 323 of 2015**

Order No. 175

17.07.2017

Both parties present by filing hazira.

Petitioner files an application u/s 151 of C.P.C. duly verified.

It appears from the petition that O.P. no.-2(a) Jayashree Banerjee died leaving behind her son Anjan Banerjee as her only legal heir and the petitioner has prayed for deleting the name of O.P. no. 2(a) Jayashree Banerjee from the cause title of the Misc. Case.

It appears from the record that this Court has already held that O.P. no.-2 Anjan Kumar Banerjee ought to be substituted in place of deceased Ajit Kumar Banerjee being the executor of the WILL of Ajit Kumar Banerjee.

It appears from the petition that Anjan Banerjee is the only legal heir of Ajit Kumar Banerjee as well as executor of the Will of Ajit Kumar Banerjee. No amended application for Misc. Case has been filed incorporating Jayashree Banerjee as a legal heir of Asjit Kumar Banerjee since no petition was filed by the petitioner upon death of Ajit Kumar Banerjee.

In such circumstances, I consider that upon admission of the petitioner regarding Anjan Kumar Banerjee being the only legal heir as well as executor of WILL Ajit Kumar Banerjee be made a party to the present case by substitution.

Hence, it is,

**ORDERED,**

that the petition dated 17.08.2017 is allowed in part.

Let the name of Anjan Kumar Banerjee be substituted as O.P. no.-2 in place of deceased Ajit Kumar Banerjee.

Amend cause title accordingly.

Petitioner to file amended copy of petition and take steps.

Fix ..... for filing amended copy of petition and steps.

Dictated and corrected by me:

*Judge*

*Judge, 3rd Bench.*

**Ej. Ex. Case No. 158 of 2003**

Order No. 176

17.08.2017

Petitioner files a petition praying for time on grounds stated therein.

Heard. Considered.

Prayer is allowed.

Fix ..... for filing amended application in Execution Case.

Sd/- Smt. Shrutirupa Ghosh  
Judge, 3<sup>rd</sup> Bench,  
Presidency Small Causes Court,  
Calcutta.

Dictated and corrected by me:

Sd/- Smt. Shrutirupa Ghosh

*Judge*