

MISC CASE NO. 256 of 2007 (1182 of 2014)

C.N.R No. WBPS01-001283-2007

IN THE COURT OF 4TH BENCH, PRESIDENCY SMALL CAUSE COURT,
CALCUTTA

PRESENT: SMT. P. SHUKLA Ld. JUDGE, 2ND BENCH, PRESIDENCY SMALL
CAUSE COURT, CALCUTTA.

ORDER NO-289 DATED 19/03/2026:-

Today is fixed for taking steps by the petitioners and hearing petition dt.04/02/2012.

Petitioner files hajira. Petitioner already file a petition u/o 22 rule 2 CPC read with section 151 CPC dt.13/02/2026. It is submitted by the Ld. Advocate for the petitioner that during the pendency of the said application for being added as party as the Dhr no.1 namely Aditya Dutta died intestate on 4th April, 2012 as bachelor living him surviving his sisters and brothers the applicants herein as well as one Jajati Dutt who is an applicant no.2 in the earlier application for being added as party as his heirs, heirless and legal representatives.

That during the pendency of the above case the applicant no.C namely Ranabir Dutta died intestate on 15/12/2025 as a bachelor living him surviving his only brother and sisters, who are already on record.

Copy of the death certificate dated 15/12/2025 is annexed herewith and marked as letter – X.

That as the said applicants namely (a) Jajati Dutt, (b) Anima Dutta and (d) Gargi Chatterjee have already on record of the instant case and have been contesting the same as applicants No.(c) is required to be expunged from the above referred case record.

Heard for petitioner in full.

Perused the record. Considered.

Perusal of the case record it reveals that the applicant no.C namely Ranabir Dutta who died on 15/12/2025 as bachelor leaving his legal heirs. It appears that the legal heirs of applicant no.C are already on record and in such circumstances there is no need to do substitution of the deceased applicant no.C and it would not be unjust and improper if the name of deceased applicant no.C be expunged from the cause title of the plaint.

Thus the Court is inclined to allow the instant application.

Let the name of the deceased applicant no.C Ranabir Dutta be expunged from the title of the plaint.

B.C 1 is to do the needful.

Petitioners are directed to file amendment copy of plaint in the meantime.

Fixing 05.05.2026 for hearing petition dt.04/02/2012.

D/C by me.

Judge-in-charge Bench-4th Bench

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PSCC, Calcutta PSCC Calcutta
J.O Code WB01165