

EJECTMENT SUIT NO. 7021 OF 2014  
C. N. R. NO. WBPS01-001430-2014  
Before Sri M. N. Ghosh, Ld. Judge, 2<sup>nd</sup> Bench.

ORDER NO. 75 DATED 29.04.2024

Ld. P.O. has been transferred.

Today is fixed for hearing of the petition dated 11.10.2023 filed by the plaintiff.

Plaintiffs have filed hazira through their ld. Advocate.

Ld. Advocate for the Plaintiffs is present.

The record is taken up for hearing of the petition filed by the plaintiffs.

Heard ld. Advocate for the Plaintiffs who has submitted, by filing this petition, that during pendency of the instant suit, the sole defendant namely Asgari Begum died on 17.12.2022 which was duly informed by the ld. Advocate for the defendant on 14.09.2023 but failed to disclose the name of the legal heirs of the deceased defendant. Thereafter, plaintiffs caused searching regarding the legal heirs of deceased defendant and came to know that the said deceased defendant left behind the heirs as mentioned in Para-4 of the instant petition and prayed for substitution of the legal heirs as mentioned in the instant petition.

Perused the petition and the materials on record.

Considering the submission of ld. Advocate for the plaintiffs, the petition and the materials on record, it appears that the sole defendant namely Asgari Begum though died on 17.12.2022 but as per information given by the ld. Advocate on 14.09.2023, the instant petition was filed on 11.10.2023 i.e. within prescribed period and accordingly, I find no impediment to allow the instant petition.

Hence, it is

**ORDERED**

that the petition under Or.22 R.4 of C.P.C. filed by the plaintiffs is allowed.

Let the names of the legal heirs and representative be substituted in place of the deceased defendant as mentioned in Para-4 of the instant petition.

D.A. is directed to note it accordingly in the relevant register.

Plaintiffs are directed to file amended copy of Plaint.

Fix 13.05.2024 for filing amended copy of Plaint by the Plaintiffs and further order.

Dictated and corrected by me,

JUDGE-IN-CHARGE

JUDGE-IN-CHARGE  
[5TH BENCH]  
J.O. Code No. WB01229.