

Present : Shri Soumen Sarkar,  
Additional District Judge,  
3<sup>rd</sup> Court, Purulia.  
JO Code- WB00889.

**Title Appeal no. 51 of 2018 (CIS)**  
**Title Appeal no.26 of 2007**

**Order No.75**  
**dt. 08.01.2024**

Today is fixed for ex-parte hearing of the Appeal .

The Appellants have filed hazira through their Ld. Advocate.

One petition under Order 22 Rule 3 read with Section 151 of the CPC has been filed by Dinanath Mahato and others stating therein that Appellant no.1 Babulal Mahato expired on 21-11-2023 leaving behind them as his legal heirs and successors and as such, they have prayed for their substitution in this case. Attested photocopy of the death certificate of Babulal Mahato has been annexed with the petition along with their Vakalatnama.

Perused the petition and the annexed copy of death certificate.

Heard Ld. Advocate for the petitioners.

It is discernible from the said petition as well as copy of death certificate that Appellant no.1 Babulal Mahato expired on 21-11-2023 and as such, the substitution prayer is made well within statutory period of limitation.

Thus, I do not find any legal impediment to allow the prayer of the petitioners.

**Accordingly, the petition under Order 22 Rule 3 read with Section 151 of the CPC is allowed.**

**Let the name of the petitioners be substituted in place of Appellant no.1 (Babulal Mahato).**

**B.C is directed to make necessary rectification of the cause title of the Memo of Appeal.**

Hence, the Appeal is adjourned today.

Fixing **16-01-2024** for ex-parte hearing of the Appeal.

(Dictated & corrected)

A.D.J. 3rd Court, Purulia.

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