

IN THE COURT OF DISTRICT JUDGE,
SOUTH 24-PARGANAS AT ALIPORE

Misc. Case No. 209 of 2018 (R-209)

Present : Smt. Monikuntala Roy (WB01088) District Judge-in-charge,

Order No. 33, dated 19.08.2025

The date is fixed for hearing maintainability of the application under Order 1 Rule 10(2) of C.P.C filed by the self-same applicants of the petition under Order 22 Rule 3 of C.P.C.

Hazira is filed on behalf of the petitioners.

A petition praying for withdrawal of the instant case is filed on behalf of one Mousumi Pal.

Upon perusal of the cause title of the instant case, it appears that the present case under Section 24 of C.P.C is filed by one Kanai Chandra Paul and Balai Chandra Paul. It is seen from the application filed under Order 1 Rule 10(2) of C.P.C that said Kanai Chandra Paul died on 04.02.2022 and photocopy of Death Certificate of said Kanai Chandra Paul has also been annexed with the said application.

Therefore, when an application under Section Order 1 Rule 10(2) of C.P.C. is pending for adjudication by this Court and there are other legal heirs of said Kanai Chandra Paul in addition to Mousumi Pal, who has filed the instant petition for withdrawal of the Misc. Case, and also taking into account the fact that the instant petition for withdrawal of the case does not bear affidavits of other legal heirs of Kanai Chandra Paul, this Court is of the view that the other legal heirs are required to be heard before passing any order for withdrawal of the instant case.

The petition for withdrawal is, thus, kept in abeyance.

Fix **12.11.2025** for hearing of the petition for withdrawal of the instant case dated 19.08.2025 as filed by Mousumi Pal.

Mousumi Pal is given liberty to file necessary application for withdrawal of the instant case subject to condition that the said application should be duly sworn in by other legal heirs of said Kanai Chandra Paul.

Dictated & corrected by me

Sd/- Smt. Monikuntala Roy

District Judge I/c

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