

In the Court of the District Judge, South 24-Parganas, Alipore

Misc. Appeal No. 164 of 2020

Present : Sri Dinanath Prasad, (WB00639), District Judge-in-charge,
South 24-Pgs, Alipore.

Order No.25, dated 17.12.2024

Today is fixed for hearing substitution petition dated 30.01.2024 U/o 22 rule 2 of CPC filed by the appellant for substitution of the respondent no.3 Mira Basu and respondent no.5 Rabindra Nath Basu praying for substitution in terms of the petition.

Copy of the substitution petition not served.

Ld. Advocate for the appellant files hazira and is present and submits that the petition be allowed as the same was filed within the prescribed period of limitation.

Considering the substitution petition filed within period of limitation, for the ends of justice, the same is taken up for hearing.

On perusal of the application, it is seen that the appellant came to know about the death of the respondent nos. 3 and 5 only on 11.12.2023 and collected the names of their legal heirs.

It is further seen that the said application is formal in nature and for the ends of justice, the same is allowed.

Hence, application for substitution dated 30.01.2024 is hereby allowed.

Accordingly, let the names of legal heirs namely, Sutapa Basu and Mahua Basu of deceased respondent no.3 Mira Basu be substituted as 3(a) and 3(b) and also the legal heirs namely, Bandana Basu, Nilanjana Basu and Sharmistha Basu of deceased respondent no. 5 Rabindra Nath Basu be substituted as 5(a), 5(b) and 5(c) in the cause title of the plaint.

The appellant is hereby directed to issue notice upon the respondent nos.3(a), 3(b), 5(a), 5(b) and 5(c).

Hence, the petition dated 30.01.2024 is disposed of accordingly.

To 16.01.2025 for S/R of notice against the substituted respondents.

The interim order is extended till date.

Dictated and corrected by me
Sd/- Dinanath Prasad
District Judge I/c

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(WB00639)