

TS of 2013 (Reg No.114/2015)

Order Dated 14/05/2024

Today is fixed for hearing of the petition dated 14/03/2024 filed by plaintiff for substitution of legal heirs of deceased Defendant No.10 Smt. Dipali Paul @ Pal. and also fixed for hearing of petition dated 22/04/2024 u/s 152 of CPC for correction of decree, and hearing of petition dated 22/04/2024 for expunging the name of the deceased Defendant No.7 Smt. Anita Manna u/s 22 Rule 2 of CPC and also fixed for hearing of petition dated 22/04/2024 u/s 22 Rule 4 CPC for substitution of deceased defendant No.3 namely Smt Jayanti Mondal @ Das.

Heard both parties regarding petition dated 14/03/2024. Both parties admitted at the time of hearing that as per Hindu Succession Act after the death of Smt. Dipali Paul her property would be devolve only upon her son Subhankar Pal. Husband of Smt. Dipali Paul namely Sankar Pal is not legally entitled to get the property of wife inherited from her mother's side. Therefore prayer of the plaintiff dated 14/03/2024 is partially allowed and henceforth **Subhankar Pal** would be substituted in place of Smt. Dipali Paul in this suit as her legal heir.

Heard both parties as regard petition dated 22/04/2024 for expunging the name of the deceased Defendant No.7 Smt. Anita Manna u/s 22 Rule 2 of CPC as the legal heirs of Smt. Anita Manna are already in case record. Defendant raised no objection. So prayer is allowed.

Heard ld. Advocate from both parties regarding petition dated 22/04/2024 u/s 22 Rule 4 CPC for substitution of deceased defendant No.3 namely Smt Jayanti Mondal @ Das. ld. Advocate for the plaintiff submitted for permission of court to not press the said substitution petition as one of the legal heirs of Smt Jayanti Mondal @ Das namely Nupur Chowdhury is no more. Permission is granted and the petition is thus disposed of as not pressed by plaintiff.

Seen the petition dated 14/03/2024 u/s 152 of CPC for correction of the share of decree of defendant No10. Heard both side ld. Advocates on record and they submitted that it is typical error and required to be ratified. Perused the Judgment dated **06/12/2014** passed by this court and it appears that ld. Court declares the share of defendant no.10 as **1/18th** in the suit property whereas in the decree it is noted as **1/8th** which is wrong. Since it is a mistake from the clerical end at the time of preparation of decree, prayer u.s 152 of CPC is allowed and decree is corrected/modified as per law in terms of judgment dated 06/12/2014. Office to do the needful. Advocate commissioner didn't file his final report. He is again directed to file the final commission report at the earliest.

To **19/06/2024** for Advocate Commission report and filling of revised plaint and taking necessary steps by the parties.

Civil Judge Sr. Divn
S.C.C Court Sealdah.
JO Code: WB00917