

**O. S. 05 of 2019**

**Order No.37, Dated 02.08.23**

Today is fixed for cross examination of PW-1 on recall by defendant Nos. 1 and 2.

*Hajirah* has been submitted on behalf of defendant Nos. 1 and 2 and defendant No. 3. Plaintiff prays for adjournment. The defendants endorsed "seen". Prayer for adjournment for cross examination of PW-1 on recall, is allowed accordingly.

At this stage, defendant Nos. 1 and 2 submitted two petitions. Copy served upon the plaintiff and the defendant No. 3. Objection endorsed on behalf of plaintiff on both the petitions.

In the first petition defendant Nos. 1 and 2 have prayed for recalling/modifying order No. 35 and 36 dated 10.07.23 and 17.07.23 under section 151 of CPC.

In the other petition defendant Nos. 1 and 2 have prayed for inspection of original will dated 10.08.2018.

Perused the contentions of the petitions submitted by defendant Nos. 1 and 2 in the former petition. Heard parties present.

So far as the first petition is concerned, I find that there is substance in submissions of the petitioners.

Apparently, some inadvertent typographical mistakes have crept in the order Nos. 35 and 36 dated 10.07.23 and 17.07.23, respectively.

The portion of order No. 35 dated 10.07.23, being the fifth paragraph thereof beginning with the expression "No objection raised" shall be struck off from such order and in its place the following words shall be inserted which run as, "defendant Nos. 1 and 2 did not specify their objection either in the endorsement written on the copy of *firisti* or submitting any written objection."

So far as the order No. 36 dated 17.07.23, I find that :-

a) the date "10.05.23" appearing in the first line of the said order shall be struck off and in its place the date "10.05.22" shall be inserted.

b) the date "10.05.23" appearing in the second line of the fifth paragraph of the said order shall be struck off and the date "10.07.23" shall be inserted in place thereof. The line following immediately thereafter "Hence the petition stands disposed of on consent" shall be struck off.

The former petition submitted by defendant Nos. 1 and 2 praying for recalling/modifying order No. 35 and 36 dated 10.07.23 and 17.07.23 under section 151 of CPC stands accordingly disposed of.

**O. S. 05 of 2019**

**Contd.....Order No.37, Dated 02.08.23**

In the later petition defendant Nos. 1 and 2 have prayed for inspection of original will dated 10.08.2018. I find that the said petition is not in proper form, as per the requirements specified in Rule 306 of Civil Rules and Orders and as such the prayer is rejected at this stage.

To 25.09.23 for cross examination of PW-1 by defendant Nos. 1 and 2.

D/C by me,

ADJ, FTC-II, Sealdah.

ADJ, FTC-II, SEaldah