

Order no.26.

Dated 07.12.2024.

Today is fixed for hearing of the petition u/o 22 Rule 4 of CPCCode.

Thereafter, the petition u/o 22 Rule 4 of CPCCode is taken up for hearing.

Perused the said petition wherein the petitioner has stated that the contesting defendant no.3 Biman Bihari Bose has expired on 26.07.24, leaving behind the legal heirs as morefully described in the schedule of the petition.

The said petition has been filed with the stipulated time as laid down under Articles 120 of the Limitation Act.

Also, perused the provision of u/o 22 Rule 4 of CPCCode wherein it has been provided that when one of two or more defendants dies and the right to sue does survive against the serving defendants alone..... on an application made in that behalf the Court shall cause the legal representative of the deceased defendant to be a party and shall proceed with the suit.

In view of the statutory mandate, the petition dated 07.12.24 is hereby allowed.

Plaintiff to file Amended Plaintiff and take steps in respect of substituted legal heirs of defendant no.3 and defendant no.4 as well in both ways and file requisites.

Later, the Plaintiff files Amended Plaintiff. Let it be kept with the record.

Fix 28.02.25 for taking steps.

D/c by me,

ADJ, FTC-II, Sealdah.

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