

Ejectment Appeal – 01/2020

Order No.39.

Dated: 10.06.2025:

Today is fixed for hearing of the petition U/O 22 Rule 4(4) of CPCCode.

Appellant files hazira.

Thereafter, the petition dated 07.04.25 is taken up for hearing.

Perused the said petition wherein the Appellant has stated that respondent no.4 Bimala Nandi nee Chandra has expired on 22.04.23 and she has not contested the suit. Hence, this instant petition.

Hd. Ld. Advocate of the Appellant.

Perused the provision of Order 22 Rule 4(4) of CPCCode, wherein it has been envisaged that the Court whenever it thinks fit may exempt the plaintiff from the necessity of substituting the legal representations of any such defendant who has failed to file a Written Statement or who having filed it has been failed to appear and contest the suit at the hearing and Judgment may, in such case, be pronounced against the defendant notwithstanding the death of such defendant and shall have the same force and effect as if it has been pronounced before death took place.

In view of the statutory mandate the petition U/O 22 Rule 4 (4) of CPCCode is hereby allowed.

Fix 22.07.25 for hearing of Appeal.

D/C by me,

ADJ, FTC-II, Sealdah.

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