

Money Execution 01 of 2022 (Reg. 01 of 2022)
CNRWBSP07-003722-2022
J.O.Code No. WB01066

Order dtd. 03/01/2026.

Today is fixed for taking steps by Dhr. in the matter of legal heirs of Late Bijay Nag Chowdhury.

One petition is filed by the decree holder today with a prayer for reconsidering the order dated 11.11.2025 passed by this Court on the point of legal heirs of Late Bijay Nag Chowdhury and subsequent rejection of petition under Order 21 Rule 13 of CPC dated 20.05.2023.

In the instant application filed today the decree holder has clearly stated that the Jdr. Late Bijay Nag Chowdhury died leaving behind his only brother Sailendra Nag Chowdhury as his sole legal heir; and that another brother Ajay Nag Chowdhury had expired since long whose legal heirs are Smt. Gita Nag Chowdhury and Sri Sayak Nag Chowdhury who had been substituted in the original suit being no. M.S 70 of 2017 and against whom no decree was passed. It is further clarified in the petition that save and except Sailendra Nag Chowdhury there is no other legal heir and as such Sailendra Nag Chowdhury was substituted as the sole judgment debtor in the instant execution case and his property is liable to be attached as per schedule of the execution petition.

With the above clarification made in the instant application and upon hearing it is clear to the Court that another brother Ajay Nag Chowdhury died long and as per schedule II of the Hindu Succession Act a surviving brother will inherit the property of an unmarried intestate brother. As such substitution of Sailendra Nag Chowdhury as the sole legal heir of Late Bijay Nag Chowdhury is found just and proper. But the prayer for reconsidering the order dated 11.11.2025 wherein the petition under Order 21 Rule 31 of CPC dated 20.05.2023 has been disposed off as not allowed, is the final decision of the Court on that prevailing circumstances and merit, which cannot be altered by the Court.

Now, on the basis of above discussion the decree holder is directed to take fresh steps in the instant execution proceeding for the purpose of satisfying the decree in accordance with law.

To 21.02.2026 for taking steps by the decree holder.

D/C by me,

Sd/-
Civil Judge (Sr. Divn.)
Small Causes Court, Sealdah

Sd/-
Civil Judge (Sr. Divn.),
Small Causes Court, Sealdah