

O.S.-04/2025.

Order No.11.

Dated: 04.06.2026:

Today is fixed for awaiting record.

Both parties file hazira.

Thereafter, the petn. U/O. 22 R 3 of C.P. Code read with S. 151 of C.P.C. is taken up for hearing.

Heard both sides.

It reflects from the perusal of the record of Probate Case No.66/19 which I tagged along with the record that originally on 27.11.2024, the instant petn. U/O. 22 R 3 of C.P.Code was filed in the said suit wherein it was mentioned in the instant application that one of the beneficiary of the Will Swapan Kundu died intestate on 27.10.2024 leaving behind the legal heirs as morefully mentioned in the said petn.

But the said Probate Case became contentious and thereafter this O.S. Case being no. 04/25 was instituted.

As I find that the prayer for substitution was filed within the stipulated time as mentioned in Art. 120 of Limitation Act and the right to sue survives upon the legal heirs of the deceased beneficiary.

So I am inclined to allow this instant petn.

Fix 27.07.2026 for filing Revised Plaintiff & taking steps upon the legal heirs of the said beneficiary.

D/C by me.

ADJ, FTC-II, Sealdah.

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