

Order no. 67  
dt. 30.09.2024

The Appellant is present by filling Haziras. None appears for the respondents on call. No steps taken. Let the present appeal proceed ex parte against the Respondents. The Ld Advocate for the Appellant on this date moves the two petitions dt. 10.12.2020 U/O 22 Rule 4 of C.P.C. Both the two petitions are taken up for hearing simultaneously.

Heard, on perusal of the record it appears that the first petition is filed relating to the death of Respondent no. 2(Ga) Anil Paik who has expired on 06.10.2020 leaving behind his legal heirs namely Renuka Paik being the wife and two sons namely Gautam Paik and Gauranga Paik. The Appellants therefore intends to substitute the said legal heirs in place of the deceased. The petition is filed well within the permissible time period and as the right to sue survives upon the legal heirs as such I find no impediment to allow the instant petition by allowing the said legal heirs to be substituted in place of the deceased Respondent no. 2(Ga).

Hence it is

**ORDERED**

That the instant petition U/O 22 Rule 4 of C.P.C is allowed ex parte with no order as to the cost. Let the deceased Respondent no. 2(Ga) Anil Paik be substituted by his legal heirs namely Renuka Paik being the wife and two sons namely Gautam Paik and Gauranga Paik.

The other petition as filed by the Appellant is relating to the death of Respondent no. 1(Ka) Chamatkari Bala Sardar who has expired on 25.11.2020 leaving behind only one son namely Sankar Sardar. The Appellants therefore intends to substitute the said legal heir in place of the deceased. The petition is filed well within the permissible time period and as the right to sue survives upon the legal heir as such I find no impediment to allow the instant petition by allowing the said legal heir to be substituted in place of the deceased Respondent no. 1(Ka) Chamatkari Bala Sardar.

Hence it is

**ORDERED**

That the instant petition U/O 22 Rule 4 of C.P.C is allowed exparte with no order as to the cost. Let the deceased Respondent no. 1(Ka) Chamatkari Bala Sardar be substituted by her only legal heir/Son namely Sankar Sardar. Memo of Appeal be amended accordingly. Appellant to take steps upon the substituted respondents.

To 11.02.2025 for S.R and A.D upon the substituted Respondents. Requisites to be filed in the meantime.

Sd/-

ADJ FTC-I