

Order no. 57
dt. 21.07.2026

The Appellant is present by filling Haziras. The Ld Advocate for the Respondent is also present. The Ld Advocate for the Appellant on this date moves two petitions, one U/O 22 Rule 4 CPC dt. 10.02.2026 and the other petition u/O 1 Rule 10 CPC dt. 10.06.2026. Copy Served. Both the said petitions are taken up for hearing today in presence of the contesting parties.

Heard, both sides. No objection is raised by the Ld Advocate for the Respondent. Relating to the said petition u/O 22 Rule 4 CPC it appears to me that the Respondent no. 1 Kulsan Bewa has expired on 23.01.2026 leaving behind Lal Mohammad Sk, Anwara Bewa and Sakila Bewa as the only legal heirs. The Appellants therefore intends to substitute the said legal heirs in place of the deceased Respondent no. 1 Kulsan Bewa. 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 heir to be substituted in place of the deceased Respondent no. 1.

Hence it is

ORDERED

That the instant petition U/O 22 Rule 4 CPC dt. 10.02.2026 for substitution is allowed on contest with no order as to the cost. Let the deceased Respondent no. 1 Kulsan Bewa be substituted by her legal heir namely Lal Mohammad Sk, Anwara Bewa and Sakila Bewa as mentioned in the petition.

To date.

Later : The other petition u/O 1 Rule 10 CPC dt. 10.06.2026 is subsequently taken up for hearing in presence of the contesting parties.

It has been submitted by the petitioner that Kulashan Bewa during the pendency of this case and during her life time has transferred the property owned by her by virtue of a registered Deed of Gift to Lal Mohammad Sk and Minara Bibi, as such being the interested party the Appellant has sought for adding the said two Donees namely Lal Mohammad Sk and Minara Bibi as the respondents in the present appeal.

The subsequent transferees are the interested parties to this appeal as such they being the necessary parties are required to be added as the Respondents. I therefore is inclined to allow the instant petition.

Hence it is

ORDERED

That the instant petition U/O 1 Rule 10 CPC dt. 10.06.2026 is allowed on contest with no order as to the cost. Let the said transferees namely Lal Mohammad Sk and Minara Bibi be added as the Respondents in the Present appeal.

Ammended Memorandum of Appeal be filed.

To 02.09.2025 for S/R & A/D. Requisites to be filed in the meantime.

Sd/-
ADJ FTC-I