

Title Appeal 3 of 12
CIS 03 of 2012

Order No.76
Dt. 13 .11.2024

Today has been fixed for hearing of petition dated 10.04.23 under Order 22 Rule 4 C.P.C/. filed by the appellants. Petitioners/Appellants file xerox copy of death certificate in respect of appellant namely Fakir Dasi Halder along with the original.

The petition is taken up for hearing.

On call none appear for the respondents.

Heard the petitioner/appellants on substitution matter.

Perused the petition and the case record .

In the petition dated 10.04.23 it has been stated by the appellants that the appellant of this case namely Fakir Dasi Halder has died on 12.03.23 leaving behind husband, two sons and two daughters mentioned in the schedule of the substitution petition as her legal heirs and representatives. Accordingly, the appellants have prayed for their substitution on the death of the appellant o.1 of this case so that they may carry on with the proceeding of this appeal.

Perused the death certificate of appellant Fakir Dasi Halder from which it appears that the appellant has died on 12.03.23 and the substitution petition has been filed on 10.04.23 i.e. well within the stipulated period of time. Accordingly, the petition is allowed.

Hence it is ,

O R D E R E D

That the petition dated 10.04.23 filed by petitioners/appellants is allowed.

Let the legal heirs of appellant as mentioned in the schedule of amendment of the substitution petitions be substituted in this appeal as appellant No.1 series.

The appellants are directed to file amended Memo of Appeal

Fix 09.01.25 for filing fresh memo of appeal.

Addl. Dist. Judge
FTC II, D/Harbour