

T.S. 43 OF 2022

**JO Code: 000823**

**Reg. 40 of 2022**

**Order No. 24**

**Date: 11.05.23**

Today is fixed for hearing.

Ld. advocate on behalf of the plaintiff and defendant no. file their respective haziras.

Heard. Considered.

The application under Order 22 Rule 4 of the CPC dated 11.04.2023 filed by the plaintiff is taken up for hearing.

Since this is a suit for partition and all the co-sharers are necessary parties hence, the application Order XXII Rule 4 of the C.P.C. to bring on record the legal heirs of the deceased defendant no. 7 is considered and allowed.

Hence,

*it is ordered.*

that the legal heir of the deceased defendant no.7 be substituted. Amend the plaint accordingly and register the same. Plaintiff is directed to file amended plaint within 15 days. Plaintiff to take necessary steps.

Ld advocate on behalf of the plaintiff files another application u/o 1 r. 10 CPC.

The another application u/o 1 r. 10 CPC dated 11.04.2023 filed by the plaintiff is taken up for hearing.

Heard the learned advocate for the plaintiff who states that in the written statement the defendants have stated that the suit is bad for non-joinder of necessary parties and as per the wish of the defendants the plaintiff are amending the plaint. .

Heard.

Considered.

In my considered view since the parties whose names are required to be added are necessary parties and their presence is necessary in order to enable this court to effectually and completely adjudicate the question involved in this suit, hence the application under Order I Rule 10 CPC is allowed but with cost of Rs. 200/-.

Amend the plaint accordingly and register the same.

Plaintiff is directed to file amended plaint within 15 days from the date of this order and to take steps immediately.

To 29.05.2023 for amended plaint and steps.

D/C

Sd/- Sushmita Gayen  
ACJM-cum-CJSD, Kakdwip

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