

T.S. 61 OF 2019
Reg. 231 of 2008

JO Code: WB01068

Order No. 83

Date: 05.06.24

Today is fixed for hearing petition u/o. 22 rule 4 of CPC dated 03.04.2024.

Ld advocate on behalf of the plaintiffs files hazira along with petition u/o. 6 r 17 CPC.

Ld advocate on behalf of the defendants no. 1”(ka), 1(ga), 3, 4, 7 and 8 files hazira.

The application under Order 22 Rule 4 of the CPC dated 03.04.2024 filed by the plaintiffs is taken up for hearing.

It appears from the petition that during pendency of the suit the defendant no. 1(kha) has expired leaving behind his legal heirs. 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. 1(kha) is considered and allowed.

Hence,

it is ordered,

that the legal heirs of the deceased defendant no. 1(kha) be substituted.

Amend the plaint accordingly and register the same. Plaintiffs are directed to file amended plaint. Plaintiffs to take necessary steps.

Ld advocate on behalf of the defendants no. 3, 4, 7 and 8 filed reply on 03.04.2024 in pursuant to interrogatories taken by plaintiffs dated 01.03.2024 is taken up for hearing.

The reply petition dated 03.04.2024 filed by defendants no. 3, 4, 7 and 8 is considered and allowed.

The application under Order I Rule 10 CPC filed this day by the plaintiffs is taken up for hearing.

Heard the learned advocate on behalf of the plaintiffs who states that erroneously some parties are not added who are necessary parties and their names are required to be added as parties to this suit.

Heard.

Considered.

In my considered view since the parties whose names are required to be added as necessary parties and their presence are 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 without any cost.

Amend the plaint accordingly and register the same.

To 08.08.2024 for steps and hearing petition u/o. 6 rule 17 of CPC dated 05.06.2024 filed by plaintiffs and compiled plaint in the mean time.

Sd/-

ACJM-cum-CJSD, Kakdwip

D/C by me

Sd/-

ACJM-cum-CJSD, Kakdwip