

T.S. 93 OF 2020  
**Reg. 93 of 2020**

**JO Code:WB01068**  
**Order No. 17**  
**Date: 22.05.24**

Today is fixed for SR/Ad

Ld advocate on behalf of the plaintiffs files hazira.

The application under Order 22 Rule 4 of the CPC dated 27.03.2024 filed by the plaintiffs is taken up for hearing.

It appears from the petition that during pendency of the suit the defendant no. 24 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. 24 is considered and allowed.

Hence,

*it is ordered,*

that the legal heirs of the deceased defendant no. 24 be substituted.

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

Another application under Order I Rule 10 CPC dated 27.03.2024 filed by the plaintiffs is taken up for hearing.

Heard the learned advocate on behalf of the plaintiffs who states that the defendants no. 2 and has transferred their share to one Pratima Pal who is necessary party and her name is required to be added as party to this suit.

Heard.

Considered.

In my considered view since the party whose name is required to be added as necessary party and his 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 without any cost.

Amend the plaint accordingly and register the same.

Another application under Order 6 Rule 17 CPC dated 27.03.2024 filed by the plaintiffs is taken up for hearing.

Heard .

Considered.

The proposed amendment appears to be formal in nature. I am satisfied that the amendment sought for, will not change the nature, character and cause of action of the suit. So, the application under Order VI Rule 17 of the C.P.C. is allowed but without any cost.

To 02.08.2024 for compiled plaint and steps.

D/C by me.

Sd/-

ACJM-cum-CJSD, Kakdwip

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