

27.11.19

Today is fixed for hearing of the two petitions under order XXXII rule 12 of the CPC alongwith the application for substituting the legal heirs of the defendant no. 1, Aurobindu Bera, since deceased.

The learned lawyer for the plaintiffs is present by filing *hazira*.

The aforesaid applications are taken up for hearing.

The learned lawyer submits that at the time of the institution of this suit the plaintiffs 1 and 2, namely, Tanmay and Mrinmay respectively, have attained majority and so, they have filed two applications under order XXXII of the CPC – one seeking discharged of their next friend/guardian *ad litem*, namely, the defendant no. 3 Sachirani Bera and the other seeking permission of this court to continue with this suit as majors.

He further submits that the defendant no. 1 has expired on 08.01.2019 and so, the application for substitution.

Heard the learned lawyer and perused the case record.

Considered.

From the record it appears that the defendant no. 3 Sachirani has sworn an affidavit to the effect that her sons, being the plaintiffs 1 and 2, have already attained majority. So, I do not see any bar to allow the two applications under order XXXII of the CPC.

With respect to the other application I also do not see any bar to allow the same as this is a suit for partition.

Thus, both the applications are allowed.

The plaintiffs 1 and 2 are permitted to continue with this suit with the plaintiff no. 3 as majors.

Let the legal heirs of the defendant no. 1, namely, Aurobindu Bera, since deceased, be brought on record and arrayed as substituted defendants in this suit.

To **10.02.2020** for filing of amended plaint and taking steps upon such substituted defendants.

**Dealing assistant to note accordingly.**

Sd/-  
(Civil Judge, sr. divn., Kakdwip)

D/C  
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