

T. S. No. 135 of 2019
CNR No. WBSP170005372008
(J.O. Code-WB0962)

Order No. 73 dated 11-05-2022

Today is fixed for hearing of the petition dated 13.10.2021 and SR/AD.

Learned advocate for the plaintiffs files hazira. The petition dated 13.10.2021 under Order 22 rule 4 of the CPC is taken up for hearing.

Perused the said petition. Heard the learned advocate. Considered.

It appears that the defendant no. 3 Satyaranjan Bera died on 18.07.2020 leaving behind his legal heirs and the instant petition for substitution was filed on 13.10.2021, which is not within the prescribed period of limitation but since it is a partition suit, strict principle of limitation is not applicable in the instant case. Accordingly, I am inclined to allow the said petition.

Hence, it is

ORDERED

that the petition dated 13.10.2021 for substitution on account of death of defendant no. 3 Satyaranjan Bera is considered and allowed without any costs.

Let the legal heirs of defendant no. 3 be brought on record and arrayed as defendants.

Note in the plaint.

Dealing Assistant is directed to do the needful.

To 26.07.2022 for SR/AD.

Plaintiffs are directed to take fresh steps in the meantime.

Dictated and corrected by me:

Sd/-

[Civil Judge, (Sr. Divn.), Kakdwip]

Sd/-

[Civil Judge, (Sr. Divn.), Kakdwip]