

Suit

10

18.06.19

Today is fixed for further hearing of the petition dated 21.01.2019.

It appears that on 21.01.2019 three separate petitions, one under order I rule 10 of the CPC containing a prayer to expunge the name of the deceased defendant no. 3 Sayambari Ruidas, the other under section 153 of the CPC and another under order XXII rule 4 of the CPC seeking substitution of the legal heirs of the deceased defendant no. 2 Bobby Kha.

All such petitions are taken up for hearing.

Heard the learned lawyers and perused the case record.

Considered.

With respect to the petition under order I rule 10 of the CPC the learned lawyer for the defendant no. 1 submits that he has objection with respect to the facts stated in such petition but he does not dispute the fact that the defendant no. 3 had expired prior to the filing of this suit.

Accordingly, I do not see any bar to allow such petition.

With respect to the petition u/s. 153 of the CPC it seems that a typographical error has crept in while mentioning the father's name of the defendant no. 5.

So, there is no bar to allow the same.

With respect to the petition under order XXII rule order 4 of the CPC I am of the view since this is the suit for partition there is no bar to allow such petition also.

Accordingly, the petition under order XXII rule 4 of the CPC should also be allowed.

Thus all the aforesaid three petitions are allowed.

To **23.07.2019** for filing of compiled plaint and taking steps under order XXXII of the CPC with respect to the defendant no. 5 as ordered earlier.

Dealing assistant to note accordingly.

Sd/-

(Civil Judge, sr. divn., Kakdwip)

D/C

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