

Misc Appl. 1 of 2019

Order No. 19 dated 19.11.2022,

Today is fixed for hearing of the petition under Order 6 Rule 17 of CPC filed by the appellant.

Ld. Advocate for the appellant is present. The case is taken up for hearing. Ld. Advocate for the appellant submits that the petitioner no. 2 of the original J.Misc case died and his name was substituted on 21.1.2016, but due to inadvertence and mis-communication, their names could not be incorporated in the memo of appeal. So, this application has been filed for incorporation of the names of his legal representatives in the memo of appeal.

On perusal of the case record it appears that on 21.01.2016 the legal heirs of the deceased petitioner no. 2 were substituted and as such the legal representatives are necessary party in the present appeal. Accordingly, the prayer for amendment is allowed.

The appellant is permitted to amend the memo of appeal as per schedule of the amendment application.

Note in the relevant register. Dealing Assistant to do the needful.

The appellant is directed to file an amended memo of appeal by the next date fixed.

Issue notice upon the legal representatives of the deceased respondent no. 2, Bijoy Kumar Maity as per schedule of amendment i.e. 2(Ka) to 2(gha).

Requisite at once.

21.01.2023 for S/R and filing of amended memo of appeal.

Dictt and Corrt by me

D.J.

District Judge
Paschim Medinipur