

**T.S.19/2022**  
**(CIS-19/22)**

**Order no. 06 dated 17.02.2023**

The record is put up today by way of a put up petition filed by the plaintiffs.

Plaintiff filed two petitions one for amending the name of plaintiff no.6 under Order 6 Rule 17 and the second one is for substituting her legal heirs in her place on account of her death.

The put up petition is hereby allowed.

The amendment petition is taken up for hearing.

In the said petition the petitioner sought for amending the name of the deceased plaintiff no.6 as mentioned in the plaint on the ground that at the time of institution of the instant suit “Pratima Mal” is written and the petitioner/plaintiff intends to add her another name i.e. “@ Pachi Mal” beside the said name and the same is required to be amended by way of this amendment petition to avoid complicacy in future.

Perused the petition.

Heard submission of the Ld. Advocate.

It appears that the amendment as sought for is formal in nature and is necessary for proper adjudication of the matter moreover, if the amendment is allowed then it will not change the nature of the suit and no one will be prejudiced.

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Hence, the amendment as sought for is hereby allowed.

Now the substitution petition is taken up for hearing.

The petitioner filed the instant application under order 22 rule 3 of the CPC along with supported affidavit and copy of death certificate of plaintiff no. 6 namely, Pratima Mal @ Pachi Mal who alleged to have died on 15.12.2022.

Heard Ld. Advocate for the petitioner.

Perused the petition under Order 22 Rule 3 and the materials available on record, it reveals that the plaintiff no. 6 namely, Pratima Mal @ Pachi Mal died on 15.12.2022 leaving behind Kunja Mal, Bangshi Mal, Dulal Mal, Ashok Mal and Debi Mal as his legal heirs and successors.

One of the plaintiffs has filed the above petition along with supported affidavit on 15.02.2023 which appears to be within the prescribed period of limitation.

Hence, it is

**Ordered**

that the substitution application filed by the petitioner for substitution of plaintiff no. 6 is hereby considered and allowed.

Let the above mentioned legal heirs of the deceased plaintiff no. 6 be substituted in place of the deceased plaintiff namely Pratima Mal @ Pachi Mal and numbered accordingly.

BC-I to make necessary note in the relevant register accordingly.

To date i.e. **31.03.2023** for filing W/S by the defendant no. 1 to 4 and 8, positively. Plaintiffs are directed to file the amended plaint and to serve the copy in the meantime.

D/C by me;

*S/d- Sri Kishor Kumar Chakraborty*  
Civil Judge (Jr. Divn.)  
Garhbeta  
**J.O. Code: WB01413**