

**T.S 28 /2022 (CIS No-48/2017)**  
CNR-WBWM11-000061-2017

Order No.59 , dt.15.03.2024

Today is fixed for taking steps by the plaintiff .

Both parties files representative hazira through their Ld. Advocates.

Plaintiff files one petition U/o 22 R2 of CPC dt 15.03.2024 and submitted before this Court that defendant no 1 Nandadulal Mondal deied on 08.02.2024 leaving behind his two sons namely Sudarsan Pal and Birendra Pal and one daughter namely Smt.Sabitri Das and his wife predeceased him and His aforesaid two sons are already on record as defendant no 2 and 3 and also prayed for the substitution the daugher of the deceased defendant no 1 in his place . No death certificate has been filed by the plaintiff .

Ld Advocate for the defendant raised formal objection against the petition but admittted that defendant no 1 died .

Heard & considered both the sides.

After careful perusal of the case record this Court opined that right to defend of deceased defendant no 1 devolved upon his two sons and one daughtre but his 2 sons are already on record and only his daughter is need to be substituted in his place . In this circumstances this Cout dose not find any impadiment to allow this petition at the risk of the plaintiff .Hence ,it is

**ORDERED**

that the instant petition dt 15.03.2023 filed by the plaintiff U/O22 R 2 of CPC be and the same is hereby allowed on contest at the rist of the plaintiff.

Next date 25.03.2024 is for taking steps by the plaintiff .

Civil Judge ,Jr Div. Addl Court.  
Garhbeta, Paschim Medinipur