

T.S. -39/14(CIS-156/15)
CNR-WBWM11 -000084-2012

Order No. 179, Dated 21.01.2026

Today is fixed for P.H of the suit .

The plaintiff filed one petition under O. 22 R.2 of C.P.C. dated 21.02.2026 . Copy served.

The defendants filed one taken up petition along with an application for hearing or argument on the commissioner report.

The suit is taken up from the P.H. board.

Let the petition under O. 22 R.2 of C.P.C. dated 21.02.2026 filed by the plaintiff is taken up for hearing .

The Ld. Advocate of the plaintiff submitted before this Court that the defendant no 1(kha) Smt. Sarala Bhuina died and her husband namely Dukhiram Bhuina is also dead and their legal heirs are already on record as defendant no. 1(Ka) ,1(Ga), 1 (Gha), 1(Uma),1(Cha) and 1(Chha) and the plaintiffs prayed before this Court for exchange the name of the defendant no.1(Kha) from the cause title of the amended plaint .

The defendants did not file any written objection against the instant petition and submitted before this Court that the defendant no 1(Ka) died 7 to 8 years ago and all her legal heirs are on record of this suit .

Peruse the case record and submission of both the parties, no death certificate of defendant no 1(Ka) filed by the plaintiff but the defendants admitted the fact that the defendant no 1(Ka) is dead and her all legal heirs are already on record. Thus, this Court with out any hesitation , opined that the name of the deceased defendant no 1(Ka) namely Sarala Bhuina is to be expanded from the cause title of the amended plaint and the present prayer of the plaintiff is to be allowed at the risk of the plaintiffs. Hence, it is

ORDERED

the petition under O. 22 R.2 of C.P.C. dated 21.02.2026 filed by the plaintiff is hereby allowed.

Let the petition filed by the defendants for hearing or argument on the acceptance of commissioner report,is taken up for hearing .

The defendants submitted before this Court that,in this present suit the Ld. Advocate Commissioner has already filed his report and he has already deposed before this Court and in the meantime the plaintiff have filed their amended plaint and the defendants did not get the opportunity to argue on the commissioner's report . So these defendants needs to argue on the Commissioner's Report otherwise the defendants will suffer immense loss.

The plaintiffs raise formal objection against the petition of the defendants without any written objection.

Heard & considered.

Peruse the case record and it transpires that the Ld. Commissioner has filed his report in the year 2017 and the defendants got ample opportunities to argue on the commissioner's report but they did nothing, but for the ends of the justice , this Court is giving last opportunity to the defendants to argue on the acceptance of Commissioner's report. Hence , it is

ORDERED

the petition dated 21.02.2026 filed by the defendants be and the same is hereby allowed on contest.

Next date **10.03.2026** for hearing on the acceptance of Commissioner Report as last chance and filing amended plaint by the plaintiffs.

D/C by me

Civil Judge Jr. Div. Additional
Court, Garhbeta

(Lipika Das)
Civil Judge Jr. Div. Additional
Court Garhbeta.