

Title Suit 51/2018
C.I.S. Reg. No.48/2018

Order No. 10 dt. 04.12.2019

Today is fixed for filing W/S by defendant No.1, 3, 4 and 5, taking fresh steps upon defendant No.2 and hearing of the petition under Order 22 Rule 3 C.P.C. dated 01.10.2019.

A petition praying for time for filing W/S filed on behalf of defendant No.1, 3, 4 and 5, on the grounds stated therein. Copy served. Upon due consideration, the petition is hereby allowed.

A petition praying for time for taking fresh steps upon defendant No.2, filed on behalf of the plaintiff. Prayer is considered and allowed.

Now, the petition under Order 22 Rule 3 C.P.C., dated 01.10.2019, is taken up for hearing.

Perused the petition along with all the other relevant materials available on record.

Heard the submissions advanced by the Ld. Advocates of both the parties.

It has been specifically contended in the instant petition that the sole plaintiff of the instant suit namely, Methun Khan has expired on 29.08.2019. Since, he has expired, his legal heirs and successors, names of whom have been mentioned in the schedule of the instant petition, have prayed for being substituted in his place, in the instant suit. Ld. Advocate appearing on behalf of the plaintiff submits that the instant petition has been filed within the time, as specified under law.

Ld. Advocate appearing on behalf of the defendants gave consent in allowing the instant petition.

From the photocopy of the death certificate of Methun Khan, lying with the case record, it appears that he expired on 29.08.2019, as has been asserted in the petition under adjudication. It further transpires that the instant petition has been filed within the time as stipulated under law. Taking all the above aspects into consideration, I do not find any hindrance in allowing the instant petition.

Thus, the petition under Order 22 Rule 3 C.P.C. dated 01.10.2019, is hereby **allowed.**

Let the names of legal heirs of deceased plaintiff Methun Khan, be substituted in his place.

Plaintiffs are directed to file revised plaint, positively, by the next date, so fixed.

Fix **01/02/2020** for filing revised plaint.

To date for taking fresh steps upon defendant Nos.2 and 6 and filing W/S by defendant No.1, 3, 4 and 5.

Dic.& Corr. by me;

Judge

Civil Judge, Jr. Divn.
Garhbeta, Paschim Medinipur.

