

**Title Suit -93 of 2014**  
**(Reg. No. 231/17)**

**Order No. 36 dated 04.07.19**

Both the parties file hazira.

Today is fixed for hearing of the petition under Order 22 Rule 2 read with Sec.151 C.P.C., dated 11.04.2019.

As fixed today, the instant petition is taken up for hearing.

Perused the petition under Order 22 Rule 2 read with Sec.151 C.P.C. along with all the other available materials on record.

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

It has been duly contended on the part of the plaintiff in the instant petition that defendant No.2 namely, Ratan Chandra Mahato, expired on 19.07.2015, leaving behind two sons namely, Kartick Mahato and Ganesh Mahato, two daughters namely, Bhanu Mahato and Sarbari Mahato and wife namely, Bela Mahato, as his legal heirs and successors. Amongst them, sons of deceased defendant No.2, namely, Kartick Mahato and Ganesh Mahato are already on record being defendant No.3 and 4, respectively. It has been prayed on the part of the plaintiff that since the sons of deceased defendant No.2 are already on record, the suit will not abate and has also prayed for substituting his other legal heirs i.e., his daughters and his wife as defendant No.2(ka), 2(kha) and 2(ga).

Upon due consideration of all the relevant aspects, I do not find any hindrance in allowing the prayer of the plaintiff as put forward in the instant petition. It is pertinent to mention that Ld. Advocate appearing on behalf of the defendant, didn't raise any objection, with respect to the instant petition, during the course of hearing. Thus, the petition under Order 22 Rule 2 read with Sec.151 C.P.C., is hereby **allowed**.

Let the names of the persons as mentioned in the schedule in the instant petition be substituted in place of deceased defendant No.2.

Plaintiff is directed to file revised plaint, positively on the next date so fixed.

The petition under Order 22 Rule 2 read with Sec.151 C.P.C. thus stands disposed off.

Fix **20/09/19** for filing of revised plaint.

Dic.& Corr. by me;

Judge

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