

T.S.41/2017
(CIS-369/17)

32/03.05.2023

To has been fixed for hearing of the petition u/o 22 rule 4.

Both parties are present through their respective Ld. Advocates.

The petitioner filed the instant application under order 22 rule 4 of the CPC along with supported affidavit for the substitution of defendant no. 1 namely, Sudhangshu Pal who alleged to have died on 03.01.2023. Copy served.

Heard Ld. Advocate for the petitioner.

Perused the petition under Order 22 Rule 4 and the materials available on record, it reveals that the defendant no.1 namely, Sudhangshu Pan died on 03.01.2023 leaving behind his two sons namely Asish Pan, Ashim Pan and wife namely Srimatya Jyotsna Pan, as his legal heirs and successors. The petition has been filed on 28.03.2023 so it appears to be well within the period of limitation. Other side raised no objection.

Hence, it is

Ordered

that the substitution application filed by the petitioner for substitution of defendant no. 1 is hereby considered and allowed.

Let the above mentioned legal heirs of the deceased defendant no. 1 be substituted in place of the deceased defendant namely Sudhangshu Pan and numbered accordingly.

Plaintiff is directed to file the requisites of summons for the added defendants at the earliest.

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

Another petition filed today u/o 22 rule 3 filed by the plaintiff. Copy already served.

The petitioner filed the application under order 22 rule 3 along with photocopy of death certificate stating that the plaintiff no.5 namely, Bimala Pan died on 25.03.2018 leaving behind his four sons, namely, Rakhahari Pan, Gopal Pan, Subhash Pan, Swarup Pan, and two daughters namely, Smt. Bidyut Roy, Smt. Sumita Gorai, as his legal heirs and successors. The legal heirs are already impleaded as party vide plaintiff no. 1 to 4 and 6, 7. Hence, the petitioner prayed for substituting the deceased plaintiff.

Ld. Advocate for the defendants is present at the time of hearing of the instant petition.

Perused the petition under Order 22 Rule 3 and the materials available on record, it reveals that the plaintiff namely, Bimala Pan died on 25.03.2018 leaving behind his above mentioned legal heirs and successors who are already on record, hence question of limitation does not arise. The substitution petition is filed by one of the son of the deceased plaintiff. So, there appears to be no impediment in allowing the instant application.

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Hence, it is

Ordered

Let the name of the deceased plaintiff no.5 be expunged and the rest of the plaintiffs be numbered accordingly.

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

Defendant filed requisites of summons upon the defendant no.5, 12, 13, 14 and 15. Let those be issued at once.

To **19/07/2023** for taking fresh step upon the added defendants and S/R.

D/C by me,

S/d- Sri Kishor Kumar Chakraborty

Civil Judge(Jr. Division).

Garhbeta, Paschim Medinipur.

S/d- Sri Kishor Kumar Chakraborty

Civil Judge(Jr. Division).

Garhbeta, Paschim Medinipur.

J.O. Code – WB01413