

29.08.2024
(D/L-23)
Ct.-19
(Susanta)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 3041 of 2024

Haripada Biswas & Ors.

-Vs-

Badruddoja Midya & Ors.

Mr. Priyanjit Kundu,
Ms. Singdha Saha,
Mr. Debolipta Banerjee,
Mr. Subhayu Das,

... For the Petitioners.

The suit when was filed against a dead person, the proper procedure appears to be taking recourse of Order I Rule 10(2) of the Code of Civil Procedure to add the heirs and legal representatives of the said deceased in the suit, particularly when the said recourse has been approved by the Hon'ble Supreme Court in the case of ***Pankajbhai Rameshbhai Zalavadiya Vs. Jethbhai Kalabhai Zalavadiya & Ors.*** reported in **(2017) 9 Supreme Court Cases 700**; therefore, rejection of the said recourse and recording of abatement of the suit against the said deceased *prima facie* appears to be not justified.

The revisional application, therefore, requires further consideration upon notice.

The petitioners are directed to give notice communicating this order along with a copy of the revisional application to the opposite parties by Speed Post with Acknowledgement Due intimating

that the matter will come up in the **Combined Monthly List of November, 2024.**

Similar notice be given to the learned advocate representing the opposite parties in the Court below.

The petitioners to file affidavit-of-service on the next date of hearing.

There shall be stay of all further proceedings of *Title Suit no. 597 of 2023* pending before the 4th Court of learned Civil Judge (Junior Division), Purba Bardhaman, **till the end of the month of November, 2024** or until further order(s), whichever is earlier.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)