

OD-17

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

IA No. GA/5/2024
In CS/27/2021

SRIMATI PRANATI NUNDY AND OTHERS
-VS-
ARINDAM NUNDY AND OTHERS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : August 29, 2024.

Appearance:

Mr. Sarosij Dasgupta, Adv.

Mr. Steven S. Biswas, Adv.

... for the plaintiffs

The Court: Mr. Steven S. Biswas, learned counsel, is appearing for the plaintiffs.

The plaintiffs have filed an application being GA/5/2024 praying for deletion of the name of the plaintiff no.1a) and 1c) as well as recording the death of the defendant no.3 and for substitution of the legal heirs of the defendant no.3.

Counsel for the plaintiffs submits that the plaintiff no.1b) has got the probate in respect of the suit property and as such the plaintiff no.1a) and 1c) have no right title and interest over the suit property and thus their names should be deleted.

It is submitted that the defendant no.3 died on 2nd April, 2024 leaving behind three legal heirs i.e. her husband, son and daughter.

Considered the submission made by the counsel for the plaintiffs.
Perused the application.

The amendment as sought for by the plaintiff in terms of the proposed amendment appearing in pages 34 to 60 is allowed.

The department is directed to carry out the amendment as per the proposed amendment appearing in pages 34 to 60 within two weeks. The plaintiffs are directed to reverify and reaffirm the plaint within two weeks thereafter. After the amendment is carried out, the plaintiffs are directed to take appropriate steps for lodging fresh writ of summons along with the amended plaint within a week thereafter.

GA/5/2024 is disposed of.

(KRISHNA RAO, J.)

RS