

OD-14

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

IA NO. GA/14/2023
In CS/82/2017

SURJIDHAR MULLICK
Vs
GUNADHAR MULLICK & ORS

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 25TH JANUARY, 2023.

Appearance:
Mr. Souvik Sen, Adv.
Ms. Aditi Dutta, Adv.
..for the plaintiff

Mr. Sakya Sen, Adv.
Mr. A. Basu, Adv.
Mr. Abhijit Sarkar, Adv.
Mr. Abhik Chitta Kundu, Adv.
..for the defendant No. 1

Mr. Deb Kumar Chandra, Adv.
..for the defendant No. 3A

The Court: Counsel for the respective parties are present.

Counsel for the plaintiff has filed the instant application being GA No. 14 of 2023 praying for recording of death of the defendant No. 2 and substitution of the legal heirs of the defendant No. 2.

Counsel for the plaintiff submits that defendant No. 2 died on 10th January, 2023 leaving behind two legal heirs and they are necessary parties to be substituted in place of the defendant No. 2.

Considered the submission made by the Counsel for the petitioner, perused death certificate and pleadings. None of the parties have raised

objection with regard to substitution of the legal heirs of the defendant No. 2.

In view of the above, prayers (a) to (g) of the Master's Summons are allowed.

GA No. 14 of 2023 is disposed of.

By the order dated 9th January, 2023, this Court has appointed Commissioner of Partition to break open the padlock of two iron chests and to submit report before this Court on 20th February, 2023.

The Commissioner can carry out the commission by issuing notice to all the consenting parties including the substituted defendant No. 2.

The defendants are at liberty to file their written statement in the meantime.

(KRISHNA RAO, J.)

Sbghosh