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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Via Video Conference]

IA NO: GA/3/2021
In CS/193/2018

BRIJ LAL AGARWAL & ORS.
Versus
ARUN KUMAR DHANUKA

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 5th August, 2021

Appearance:

Mr. Debraj Sahu, Adv.

Ms. Debjani Ghosh, Adv.

Mr. Bhaskar Mukherjee, Adv.

Ms. Nafisa Yasmin, Adv.

...for the plaintiffs

The Court : This application has been made for recording the death of the plaintiff no. 3 one Vinod Agarwal and for substituting the names of the legal heirs and representatives of the deceased plaintiff no. 3 as parties to the suit. Learned counsel appearing for the plaintiffs relies on the copy of the death certificate which records that the plaintiff no. 3 died on 3rd January, 2021 and places paragraph 5 of the application which mentions the four heirs and legal representatives of the deceased plaintiff no. 3 who are his widow, two sons and a daughter.

The defendant is represented.

Although there appears to be a marginal delay in filing the present application, the plaintiffs claimed to be covered by orders of the Supreme Court passed in suo moto writ petition by all periods of limitation under the Special and General laws were extended.

In view of the above, GA/3/2021 is allowed.

The death of the plaintiff no. 3 should be recorded and the heirs of the said deceased plaintiff should be added as parties to the suit. The plaint shall be amended in the manner as indicated in a copy of the plaint annexed to the application. The department is directed to carry out the amendments within four weeks from date and the petitioner is given live to reverify and reaffirm the plaint. A copy of the amended plaint should be served upon the defendant.

(MOUSHUMI BHATTACHARYA, J.)

TO