

**Title Suit No.112/2011**

**Dated-03.01.2022**

Both the parties are represented.

This Court vide this Order is going to dispose petition No.12/2022, which is filed by the plaintiff side under Order XXII Rule 3 of CPC for substitution of plaintiff No.3 Pronoy Sengupta who had expired on 27.04.2021

The copy be furnished to the other side.

The concise fact of the petition is that the plaintiff No.3 Pronoy Sengupta had expired on 27.04.2021 and the right to sue survives upon his legal representatives namely (1) Smt. Deepa Sengupta (Wife) and (2) Sri Pritam Sengupta (minor son).

Therefore, the right to sue survives upon the above-named legal representatives of the deceased plaintiff No.3 and same may be incorporated in the place of the plaintiff No.3 and allow the plaintiff to proceed with the suit against the L.Rs of the deceased plaintiff No.3 and the name of the deceased plaintiff No.3 may be strike out. Hence, the prayer.

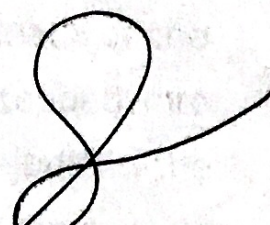
Considering the above facts and after perusal of case record this Court is opinion that substitution of the party appears to be genuine and necessary after the death of the plaintiff No.3 as his legal representatives have stepped into his shoes. Moreover, such substitution shall not prejudiced the other side as in no way it is changing the nature of the suit.

Therefore, the petition No. 12/2022 is allowed and disposed of accordingly.

Bench Assistant is directed to strike off the name of plaintiff No.3 Late Pranoy Sengupta and in his place implead the name of Smt. Deepa Sengupta (Wife) and Sri Pritam Sengupta (minor son) as plaintiffs.

The parties to take steps within 14 days.

Fix 01.02.2022 for argument.

  
Munsiff No. 1  
Dibrugarh