

Title Suit 01-2023

16.08.2023

Plaintiff is represented.

Defendant no 1,2 and 3/Govt side also represented.

Defendant no 4,6,7, 8(a) to 8(g) also represented and prayed seeking adjournment vide petition no. 967/2023 showing cause as "conjunctivitis" of the engaged counsel. Seen and allowed.

Defendant no 9,10 and 11 are absent without steps.

Plaintiff vide petition no. 970/2023 and U/O XXII, Rule 4 of CPC informed this court that the defendant no 5, Md Kasem Ali expired on 22.07.2023 and prayed to substitute the names of following legal heirs namely-

- 5 (a) Mstt Tomiza Khatun.
- 5 (b) Mstt Fulesa Khatun
- 5(c) Mstt Gulesa Khatun.
- 5 (d) Mstt Halima Khatun.
- 5 (e) Mstt Sahura Khatun
- 5 (f) Mstt Manika Khatun.
- 5 (g) Mstt Anzuma Khatun
- 5(h) Md Mofizul Islam and
- 5 (i) Md Habibul Islam.

All the above defendants are required to be substituted as legal heirs of late defendant no 5 , Kasem Ali in the instant suit.

The plaintiff submits that the right to sue survive and hence prays for substituting the legal heirs of deceased legal heirs of Late Kasem Ali as parties in the instant suit.

Copy received by defendant side. the defendant side submitted that they have no objection in substituting the names of the surviving son and daughters of the deceased defendant no 5.

Perused the case record. Having considered the submissions of both sides, it appears that the petition for substituting the legal heirs of deceased defendant no 5 is filed within period of limitation.

Legal heirs of deceased defendant no 5, namely 5 (a) Mstt Tomiza Khatun 5 (b) Mstt Fulesa Khatun 5 (c) Mstt Gulesa Khatun 5 (d) Mstt Halima Khatun 5 (e) Mstt Sahura Khatun 5 (f) Mstt Manika Khatun 5 (g) Mstt Anzuma Khatun 5 (h) Md Mofizul Islam and 5 (i) Md Habibul Islam be substituted as defendants in the instant suit. Necessary correction to be made in the plaint.

Plaintiff is to insert the names of legal heirs of defendant no 5 in red ink in presence of bench assistant.

Petition no.970/2023 stands disposed of.

Plaintiff is directed to take steps for issuing summons to newly substituted defendants.

Defendant no 1,2 and 3 is directed to deposit the cost of Rs. 1,000/- in view of the order dated 25.01.2023 passed in Misc(J) case no 12/2023.

Fixing **27.09.2023** for steps/SR/WS.