

(23)
04.04.2022
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO No. 1851 of 2021

Namita Dubey
-versus-
Minor Trishan Mishra & ors.

Mr. Malay Bhattacharyya,
Ms. Shefa Mondal, ... for the petitioner.

Mr. Soumik Ganguli,
Ms. Chandana Chakraborty,
... for the O.P. Nos. 1,2,3 & 7.

Affidavit of service filed on behalf of the petitioner in Court today be kept with the record.

On the death of the sole plaintiff of Title Suit No. 80 of 2018 pending before the learned Civil Judge (Senior Division), Bankura, her heirs and legal representatives have applied for their substitution in the said suit as plaintiffs, the petitioner is one of them.

The grievance of the petitioner is that pending disposal of the said application for substitution, the learned Trial Judge by the order impugned being order no. 18 dated September 22, 2021 has directed payment of deficit Court fees.

The grievance of the petitioner is well justified.

The order impugned dated September 22, 2021 is set aside.

The learned Trial Judge is requested to dispose of the application for substitution first and thereafter make necessary direction for payment of deficit Court fees upon the substituted plaintiffs.

CO 1851 of 2021 is thus disposed of without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)