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Ct. 18
08.02.2022

**C.O. No. 3535 of 2019
IA No : CAN 1 of 2021
(Via Video Conference)**

**Sri Pradip Kumar Dey
Vs.
Sri Bhagirath Das**

Mr. Debjit Mukherjee,
Mr. Kaustav Bhattacharya ... For the petitioner.

Re : CAN 1 of 2021

This is an application for substitution of the heirs and legal representatives of the deceased sole petitioner who died intestate on June 06, 2021 leaving behind him surviving his heirs and legal representatives, whose particulars have been set out under Paragraph 3 of the application.

The application is in form and is within time, as such, allowed.

The department is directed to carry out necessary amendments in the cause-title of the revisional application.

CAN 1 of 2021 is disposed of without any order as to costs.

Mr. Kaustav Bhattacharya, junior to Mr. Debjit Mukherjee has filed Vakalatnama on behalf of the substituted petitioners.

Re : C.O. 3535 of 2019

Despite repeated service, none appears on behalf of the opposite party.

The revisional application is directed against the order dated August 13, 2019 passed by the 3rd Court of learned Additional Civil Judge (Junior Division) at Alipore, District – 24 Parganas (South) in Ejectment Suit No. 179 of 2011 whereby the learned Trial Judge has allowed an application filed by the plaintiff/opposite party seeking amendment of the plaint.

The order impugned is bereft of any reasoning, as such, is set aside on the said ground alone.

C.O. 3535 of 2019 is disposed of with a direction upon the learned Trial Judge to dispose of the said application afresh in accordance with law within a period of one available effective working month of the said Court from the date of communication of this order and in doing so, the learned Trial Judge shall not grant any unnecessary adjournment to either of the parties.

There shall be no order as to costs.

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

(Biswajit Basu, J.)