

12.09.2024
(D/L-20)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 3251 of 2024

Goutam Basu

-Vs-

Amitava Chakraborty @ Amitabha since
deceased, Smt. Sujata Chakraborty & Ors.

Mr. Prasanta Banerjee,
Mr. Shankha Maity,

... For the Petitioner.

The defendant in a suit for eviction being *Title Suit No.186 of 2013* pending before the 2nd Court of learned Civil Judge (Junior Division) at Serampore, District: Hooghly is the petitioner of the instant application under Article 227 of the Constitution of India.

The learned Trial Judge by the order impugned dated July 22, 2024 has allowed an application for substitution of the heirs and legal representatives of the deceased plaintiff under Order XXII Rule 3 of the Code of Civil Procedure.

The learned Counsel for the petitioner submits that the suit was abated, but the application for substitution was allowed without setting aside the said abatement and without condoning the delay.

It appears from the order impugned that the learned Trial Judge in exercise of his power under

Section 151 of the Code has condoned the delay and has set aside the abatement of the suit.

This Court is not inclined to interfere with the exercise of such power; the order impugned, therefore does not call for any interference.

C.O. 3251 of 2024 is dismissed without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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.)