

18.02.2026
Item No.49
BR

CO 1594 of 2024
Smriti Das
-vs-

Sekhar Das and Ors.

Mr. Suvendu Banerjee
... for the petitioner

1. The civil revision has been preferred challenging an order no. nil dated 19th May , 2023 passed by the learned Civil Judge (senior Division), 2nd Court, Barasat, Title Suit No. 945 of 2019.
2. Vide the impugned order the learned trial Court has been pleased to reject the petitioner's application for substitution of the legal heirs of the defendant no. 1 who expired on 1.12.2018.
3. The plaintiff/petitioner submits that their date of knowledge of the death of the defendant no. 2 is 5.3.2019, but the trial Court has rejected the application on the ground of limitation.
4. It appears from the said order that the trial Court did not grant any opportunity to make an

application under the appropriate provisions of the CPC and without such opportunity, has disposed of the suit.

5. Considering the said fact, this Court grants liberty to the petitioner herein to file a Misc. Case along with an application for condonation of delay, praying for substitution of the legal heirs of the deceased defendant no.1. as per the relevant provisions of CPC.
6. The period that has been spent in pursuing the present revisional application shall be condoned by the trial Court while considering the application for condonation of delay and the Court shall proceed with the Misc. Case in accordance with law
7. CO 1594 of 2024 stands disposed of.
8. Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)