

**In The Court of Smt. Priyanka Saikia, Munsiff No. 2,
Sonitpur, Tezpur**

Misc (J) 65/2022

Md. Chand Miya –vs Md. Alam Ali And Others

18-06-2022

The petitioner is represented.

The instant case is registered on the strength of petition no.371/22 dated 05.03.2022 under Order XXII Rule 3 of C.P.C.

The petitioner has stated that sole plaintiff of the above suit died on 30.01.2022 at his residence. The petitioner No.1 is wife, petitioners No.2 & 6 are daughters and petitioner No.3 to 5 are sons of the deceased plaintiff namely Chand Miyan and as such they are legal heirs and successor of him. It is stated that the present petitioner are the only surviving legal heirs of the deceased plaintiff no.2. A copy of Gaon Burah certificate is annexed with the petitioner.

It is further stated that the sole plaintiff of this suit has filed the suit for seeking decree of declaration of his right, title and interest upon the suit land and recovery of possession by evicting the defendants with their men and materials amongst other relief. Hence, prayer is made to substitute the legal heirs in place of deceased plaintiff.

Perused the case-record and heard. Perusal of the Certificate reveals that the date of death of plaintiff is mentioned to be on 30.01.2022.

Due to absence of the other side, objection could not be raised.

Considering all aspects, I deem it fit to allow the instant petition.

Let the names of legal heirs be entered into the cause title of the main suit with red-ink by the Bench Assistant.

The case stands disposed of.