

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.93/2025

1. Anowar Hossain, son of late Hanif Miah, aged about-52 years, resident of West Aralia, Sonamura, P.O.-Sonamura-799131, P.S.-Sonamura, District-Sepahijala, Tripura.
2. Farjana Taher, daughter of Abu Taher, aged about-30 years, resident of West Aralia, Sonamura, P.O.-Sonamura-799131, P.S.-Sonamura, District-Sepahijala, Tripura.
3. Abdul Jabbar, son of late Chan Miah, aged about-60 years, resident of Moynama, Sonamura, P.O.-Sonamura-799131, P.S.-Sonamura, District-Sepahijala, Tripura.
4. Sima Akter, wife of Yusuf Miah, aged about-28 years, resident of West Aralia, Sonamura, P.O.-Sonamura-799131, P.S.-Sonamura, District-Sepahijala, Tripura.

..... Petitioner(s).

V E R S U S

Imam Hossain, son of Fazal Haque, resident of Tamshabari, Sonamura Nagar Panchayat, Ward No.10, P.O.-Sonamura-799131, P.S.-Sonamura, District-Sepahijala, Tripura.

.....Respondent(s).

For Petitioner(s) : Mr. Abhijit Sengupta, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO

Order

06/01/2026

Heard Mr. Abhijit Sengupta, counsel for the petitioners.

2. This Revision is filed by the petitioners/defendants challenging the order dt.11.11.2025 in case No.T.S. 05 of 2022 on the file of the Civil Judge (Sr. Division), Court No.1, Sepahijala District, Sonamura.

3. The record indicates that the original plaintiff Chhamina Bibi died on 13.02.2025 during the pendency of the suit.

4. The sole respondent Imam Hossain filed an application on 24.04.2025 invoking Order I Rule 10(2) of the Code of Civil Procedure (CPC, for short) to implead him as a plaintiff by placing reliance on a Will dt.14.09.2021 said to have been executed by the original plaintiff Chhamina Bibi.

5. By the impugned order, the trial Court allowed the said application stating specifically that the validity of the Will is a matter to be adjudicated during the trial and that the stage at which the suit is pending, the Court can only look into the matter whether the respondent is proper or necessary party for effective and complete adjudication of the dispute. It, therefore, allowed the application of the respondent by invoking Order I Rule 10(2) of CPC.

6. Counsel for the petitioners contends that the Will set up by the respondent is unregistered and has not been produced in any proceeding anywhere and, therefore, the Court below ought not to have believed the Will and impleaded the respondent as a plaintiff in the suit.

7. The respondent had no doubt invoked Order I Rule 10(2) of CPC to implead him as plaintiff in the suit instead of invoking Order XXII Rule 3 of CPC. The Court below, therefore, ought to have treated the application filed by the respondent under Order I Rule 10(2) as an application under Order XXII Rule 3 of CPC. Be that as it may, merely because the respondent had quoted a wrong legal provision, the application filed by him cannot be rejected. The trial Court has not accepted the valid execution of the Will dt. 14.09.2021 pleaded by the respondent and had anyway left it open to be adjudicated during the trial and has only allowed the respondent to come on record since he appeared to be a proper or necessary party. There is also no requirement in law that a Will should be a registered Will.

8. In this view of the matter, I do not find any error of jurisdiction in the order passed by the trial Court warranting interference by this Court. Therefore, the Revision fails and is dismissed.

Pending application(s), if any, also stands disposed of.

(M.S. RAMACHANDRA RAO, CJ)



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