

Party Name : MANIK CH. DEY Vs NIRMAL CH. DEY & ORS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. K.N. Bhattacharji, learned senior counsel, assisted by Ms. Y.T. Bhattacharji, learned counsel appearing for the petitioner as well as Mr. B. Banerjee, learned counsel appearing for the respondents No. 1 and 2.

The petitioner herein has filed an application for addition of the legal heirs of Nani Gopal Dey and Nihari Dey, since deceased as their names were omitted from the proceeding inadvertently.

Mr. Banerjee, learned counsel has raised serious objection. According to him, this is a ploy of the petitioner to purchase time so that by execution the unpartitioned land cannot be partitioned according to the share as declared in the preliminary decree. However, Mr. Banerjee, learned counsel has not disputed that they were otherwise necessary parties. Having regard to that, those persons described in the schedule to this petition, being C.M.Appl.No.73/2015 be treated as impleaded in this proceeding.

Registry, before sending the records to the executing court i.e. the Court of the Civil Judge, Jr. Division, Gomati Judicial District, Udaipur shall incorporate the newly added respondents in the record.

It is to be noted that in all the proceeding including the execution proceeding, they were already impleaded.

With this observation, this petition stands allowed and accordingly disposed of.