

23.12
2021

CO 357 of 2019

Sanatan Ojha & Ors.
-vs-
Madan Bag & Ors.
(Via Video Conference)

Mr. Sukanta Das

... for the petitioner

Mr. Dipankar Mandal

,

..... for the opposite nos.8 to 11

Being aggrieved by order No. 37 dated October 4, 2018 passed in Title Suit No. 10 of 2013 by learned Civil Judge (Junior Division), 2nd Court at Paschim Medinipore, present revisional application has been preferred.

By the impugned order , learned Civil Judge (Junior Division), 2nd Court , Paschim Medinipore was pleased to allow the petition under Order 1 Rule 10 CPC dated 12.5.2015 and was further pleased to add Shri Madan Bag, Ratan Bag and Narayan Dolai as plaintiff no. 5, 6 and 7.

It is submitted by learned counsel for the petitioner that the suit property originally belonged to one Gopal Ojha who was the predecessor of the present plaintiffs but the aforementioned petitioners, namely, Shri Madan Bag, Ratan Bag and Narayan Dolai obtained one certificate from Pradhan of Khelar gram panchayat on 3.9.2012 and falsely claimed that they are also legal heirs of Gopal Ojha and as such they prayed for impleading them as plaintiffs in the suit but actually they are neither the heirs of Gopal Ojha nor they have any right, title and interest in the suit property but the learned trial Court has impleaded them as plaintiffs in the said suit.

Considering the above facts and circumstances, it appears to me that whether the above mentioned petitioners, namely, Shri Madan Bag, Ratan Bag and

Narayan Dolai are the legal heirs of Gopal Ojha or not and whether they have any right, title or interest in the suit property or not, should be kept open for the learned trial Court to decide but if the suit be not disposed of in their presence then the real controversy between the parties would not be adjudicated once for all.

However, learned counsel for the petitioner submits that they must not be impleaded as plaintiffs as they are not legal heirs of Gopal Ojha.

In view of above, revisional application being CO No. 357 of 2019 is disposed of with a direction before the learned trial Court that the names of the petitioners, namely, Shri Madan Bag, Ratan Bag and Narayan Dolai be impleaded in the Title Suit No. 10 of 2013 pending before the learned Civil Judge (Junior Division), 2nd Court at Paschim Medinipore as defendant no. 9,10 and 11 instead of plaintiff No.5,6 and 7. The order passed by learned trial Judge is hereby modified to that extent.

Accordingly, CO no. 357 of 2019 is disposed of.

(Ajoy Kumar Mukherjee, J.)