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09.08.2021
TN

CO No.1031 of 2020

Sri Sukumar Mondal and another
Vs.
Sk. Harum Rashid and another

Mr. Nilanjan Bhattacharjee
.... for the petitioners

Mr. Subhrajit Chakraborty
.... for the plaintiff/opposite party no.1

Affidavit-of-service filed in court today be kept
on record.

The prime contesting parties, being the
petitioners and the plaintiff/opposite party no.1, are
represented through counsel.

The present challenge is directed against an
order whereby the petitioners' application for being
added as parties to an eviction suit was rejected. The
said suit was filed by the opposite party no.1 only
against the opposite party no.2. However, the
petitioners contend that they are co-owners of the suit
property by virtue of an oral sale deed executed long
back, as well as in possession of the suit property
and, as such, are necessary parties to the suit.

Heard learned counsel for both sides.

It is evident that the trial court acted well within its jurisdiction in rejecting the application under Order I Rule 10 of the Code of Civil Procedure, since the plaintiff is the *dominus litis* in a suit and has to stand or fail on his own case. Since it is the specific plaint case that only the opposite party no.2 was a licensee against the petitioners, eviction of whom has been sought, it would be entirely beyond the scope of the suit to explore into the question of whether the petitioners also have title to the suit property. Such an issue is not integral to the decision of the suit, as it stands originally, and would unnecessarily broaden the conspectus of the litigation.

Hence, the revisional application fails.

Accordingly, CO No.1031 of 2020 is dismissed, affirming the order impugned therein.

It is made clear that the observations made herein and/or the order impugned herein shall not prejudice the rights and contentions of the parties in any other litigation.

As per the prayer of learned counsel for the opposite party no.1, since the suit is pending at an advanced stage for quite a long time, the Trial Judge is requested to expedite the hearing of the suit and dispose of the same at the earliest.

All interim order(s) passed in the revisional application stand(s) automatically vacated.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)