

23.08.2022
Item No.204ML
Ct. No.7
CHC
(disposed of)

C.O.1844 of 2022

**Sundar Kumar Poddar & ors.
Vs.
Dukhu Poddar & ors.**

Ms. Priyanka Jana
...for the petitioners

Petitioners assail order dated 11th May, 2022, passed by learned Civil Judge (Senior Division), Chanchal, Malda, allowing petition under Order 1 Rule 10(2) C.P.C. thereby impleading added parties in the category of plaintiff nos.3 and 4.

Ms. Priyanka Jana, learned advocate appearing for the petitioners submits that petitioners have no objection to the addition, save and against their impleadment as plaintiff nos.3 and 4.

Upon perusal of the impugned order, it appears that plaintiff no.1 has transferred his share in the subject property by registered deed to parties, who are sought to be added.

Admittedly, this is a suit for partition, though parties sought to be added are stranger/transferee, but their presence are felt necessary for the fair adjudication of partition suit.

The impugned order, as such, is modified permitting addition of the parties, sought to be added,

as defendants, instead of plaintiffs. No further elaboration is necessary to address the point raised in this case.

With the above observation/direction, the revisional application stands disposed of.

Petitioners are directed to make communication of this order to the learned court below as well as to the opposite parties and their learned advocate in the court below.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)