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CO No. 216 of 2023

**Sri Pabitra Kumar Maji
versus
Sri Jugal Kishor Jana & Ors.**

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Mr. Sourav Sen, Adv.
Mr. Arunava Maity, Adv For the petitioner.

Mr. Amit Baran Dash, Adv.
Ms. Ankana Sarkar, Adv.
.... for the opposite party Nos. 1 t& 2

This revisional application is directed against the order No. 25 dated 22.11.2022 Passed by the Learned Civil Judge, (Junior Division), 2nd Court, Contai.

Learned advocate appearing on behalf of the petitioner has submitted that following answer to the interrogatories by the plaintiffs, the present petitioner/defendant raised the issue of making Mugberia Central Co-operative Bank, Mugberia Branch as a party to the suit.

Consequently, plaintiffs filed an application on 19.11.2020 with a prayer for exemption of taking any steps to make the concerned bank as a party to the suit as the said bank was not necessary party.

Learned Judge allowed the prayer for exemption at the risk of the plaintiffs.

Being aggrieved and dissatisfied with the said order, the instant revisional application has been filed by the

defendant on the ground that bank was necessary/proper party in the suit.

The question of non-joinder of necessary party, is an issue of the suit, which can be assailed at the time of trial on behalf of the defendant/petitioner. More so, the prayer was allowed at the risk of the plaintiffs and thereby defendants have every right to raise this issue of non-joinder of necessary party at the time of trial.

In the aforesaid view of the matter, I find hardly any merit in the revisional application and thus dismissed.

Petitioner is directed to make communication of this order to the Learned Civil Judge, (Junior Division), 2nd Court, Contai.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Bibhas Ranjan De, J.)