

C.O. No. 713 of 2019

Rupsana Khatun
Vs.
Nurjahan Khatun @ Bewa & Ors.

Adv. Subir Banejee,
Adv. Roumjadip Saha,
Adv. Rimpa Das,

...for the petitioner.

The petitioner is represented by her learned Advocate.

None appears on behalf of the opposite parties in spite of service.

Heard learned advocate for the petitioner at length.

The present revisional application is now taken up for passing appropriate order.

In this revisional application as filed under Article 227 of the Constitution of India the order no.30 dated January 28, 2019 as passed in Title Suit no.93 of 2014 by the learned Civil Judge (Junior Division), Gangarampur at Buniadpur, Dakshin Dinajpur has been assailed.

By the impugned order the learned trial Court in a suit for declaration and injunction has been pleased to reject the application as filed under Order I Rule 10(2) of the Code of Civil Procedure as filed by the intending party who prayed for addition of her as a defendant in the said suit.

At the time of hearing of the instant application, learned advocate for the revisionist/intending party draws the attention of this Court to the photocopy of the petition for addition of party as well as to the photocopy copies of the *patta* and the records of rights in respect of the suit property. It is contended that though the learned trial Court while passing the impugned order came to a, *prima-facie*, finding with regard to the title and possession of the present revisionist over the suit property, but for no reason whatsoever disallowed the present revisionist's application for addition of party in the said suit. It is contended by the revisionist that in the event the present revisionist is not made party as defendant in Title Suit no.93 of 2014, the right, title and interest of the present revisionist in the suit property may be endangered and prejudiced.

On perusal of the entire materials as placed before this Court and after hearing the learned advocate for the revisionist, it appears to this Court that the present revisionist has placed *prima-facie* materials to substantiate her contention that she has right, title and interest as well as possession over the property which is the subject matter of Title Suit no.93 of 2014 as pending before the learned Trial Court.

In view of such, this Court considers that for effective adjudication of Title Suit no.93 of 2014 the present revisionist has become a necessary and proper party.

In view of the discussions made hereinabove, the instant revisional application succeeds. As a result the impugned order no.30 dated January 28, 2019 as passed by the learned Civil Judge (Junior Division), Gangarampur at Buniadpur, Dakshin Dinajpur in Title Suit no.93 of 2014 is hereby set aside. Learned Trial Court is hereby directed to implead the present revisionist, namely; Rupsana Khatun, wife of Rabiul Islam, residing at village Beldangi (Tiabari), P.O. Danagram, P.S. Harirampur, Dakshin Dinajpur as a party defendant in Title suit no.93 of 2014.

There shall however, be no order as to costs.

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

(Partha Sarathi Sen, J.)