

C.O. 1015 of 2008

In the matter of : Bijoy Krishna Basu & Ors.

1. None appears on behalf of the petitioners.
2. This application under Article 227 of Constitution of India impeaches the order dated 17.01.2008 passed by the learned Civil Judge, Junior Division, 4th Court, Sealdah In T.S. No. 464 of 1983.
3. Upon perusal of the material available with the record and in particular the impugned order, I find that in a suit for eviction of a tenant after the demise of the original plaintiff Harendra Nath Basu, some of the legal heirs took out a petition under Order XXII Rule 3 of the Code of Civil Procedure and effected substitution leaving the widow of the pre-deceased son of the original plaintiff and his grandson out of the litigation. Those two legal heirs of Harendra Nath Basu, the original plaintiff, filed an application under Order I Rule 10(2) of the Code of Civil Procedure seeking an order to get impleaded in the proceeding as plaintiffs.
4. Learned Trial Court considering the averments made in paragraph 3 of the plaint that the family of the original plaintiff (since deceased) consists of himself his five sons and widow of one pre-deceased son with a son passed the order impugned. The order does not suffers any kind of perversity. There is nothing to indicate that the learned Trial Court committed jurisdictional error while passing impugned order. The revisional

application merits no further consideration and is dismissed along with application, if any.

5. Let a copy of the order be sent down to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)