

01.03.2023
SL No.2
Court No. 654
Ali

IN THE HIGH COURT AT CALUTTA
Civil Appellate Jurisdiction

C.O. 1598 of 2022

Masura Sekh

.....Petitioner

versus

Neha Begum & Ors.

.....Opposite parties

Mr Soumik Ganguli,
Mr Supriyo Shasmal.

.....for the petitioner.

This revisional application filed by the defendant-petitioner under Article 227 of the Constitution of India challenging order no. 83 dated 8th March 2022 passed by learned Civil Judge (Junior Division), Additional Court, Bankura (Sadar) in Title Suit No. 26 of 2017 allowing the prayer of the plaintiff-opposite party no.1 for adding minor Sk Baidul as a co-plaintiff.

Affidavit-of-service filed on behalf of the petitioner is taken on record. It is found that the copy of the revisional application has been served upon the opposite parties.

None appears on behalf of the opposite parties.

The brief fact of the case is that plaintiff-opposite party no.1 filed a suit for declaration and permanent injunction against the petitioner-defendant and others being Title Suit no. 26 of 2017

before the learned Civil Judge (Junior Division), 1st Court, Bankura (Sadar) in respect of Life Insurance Policy lying in Bajaj Allianz Life Insurance Company Ltd., Bankura having matured value of Rs.5,00,000/- and amount of Rs.1,56,000/- lying in Savings Bank Account of Molbona, S.K.U.S. Ltd., Bankura both standing in the name of of Late Sekh Salam. In the said suit plaintiff-opposite party no.1 filed an application under Order I Rule 10 of the Civil Procedure Code for impleading minor Sk Baidul as co-plaintiff. Upon hearing the learned trial court allowed the said application.

Being aggrieved by and dis-satisfied with the impugned order the defendant has filed the present revision.

Mr Soumik Ganguli, learned advocate for the defendant-petitioner submits that plaintiff-opposite party no.1 is the wife of Late Sekh Salam, son of the defendant-petitioner. The minor Sk Baidul who has been added as co-plaintiff is the grandson of defendant-petitioner. After demise of son of defendant-petitioner namely Sekh Salam (since deceased), the plaintiff-opposite party no.1 had married for the second time. For well being of the said minor the defendant-petitioner has initiated proceeding under Section 15 of Guardians & Wards Act (Act VIII) for custody of the minor before the learned District Judge, Bankura which is on the

verge of completion. In the facts and circumstances of the case there is conflict of interest between the plaintiff-opposite party no.1 and the minor. In the aforesaid backdrop, he submits for setting aside the impugned order of the learned trial court under challenge for impleading minor as co-plaintiff.

It is found that the plaintiff filed a suit for declaration and injunction praying for a decree in respect of Life Insurance Policy having matured value of Rs.5,00,000/- lying in Bajaj Allianz Life Insurance Company Ltd., Bankura and amount of Rs.1,56,000/- lying in Savings Bank Account of Molbona, S.K.U.S. Ltd., Bankura both standing in the name of Late Sekh Salam. It is the specific contention of the plaintiff-opposite party no.1 that she and her minor son are lawfully entitled to get money lying in the aforesaid accounts of the deceased. The learned trial court has considered the aforesaid aspect and added the minor son of the plaintiff, namely, Sk Baidul as a co-plaintiff. Accordingly, the order passed by the learned trial court adding the minor as a necessary party in the suit does not call for interference.

The civil revisional application being **C.O. 1598 of 2022** stands dismissed. The impugned order under challenge is affirmed.

All connected applications if any, stands disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order
if applied for the given to the parties upon
compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)