

July 27, 2023
Sl. No.6
Court No.19
s.biswas

CO 1566 of 2023

Sri Dilip Banerjee and another
vs.
Smt. Minakshi Mukherjee and others

Mr. Shehnaz Tareq Mina
Mr. Pratim Sardar

... for the petitioners

This court does not find any illegality in the order dated January 7, 2023, passed by the learned Civil Judge (Senior Division), 7th Court, Alipore, South 24 Parganas, in Title Suit No.160 of 2003.

The petitioners pray that the application for addition of the heirs of the deceased defendant no.3, was wrongly allowed. Instead, the substitution application filed by the petitioners should have been allowed.

It appears that the plaintiffs filed an application for addition of the heirs of the deceased defendant No.3 and the petitioners also filed an application for substitution. Thus, in either way both the parties wanted to add the heirs of the deceased defendant in the partition suit. I do not find any illegality in the order impugned.

According to the petitioner, there are mistakes in the name of the petitioner No.2 and the address of the petitioners which would wrongly go down in the plaint. Such defect in the plaint ought to be cured as the error may cause complications in future.

This court is of the view that such submission of the petitioners, can be made before the learned court below. The petitioners may approach the learned court below praying for necessary corrections in the name and address. Such prayer shall be considered in accordance with law.

The revisional application is thus disposed of.

All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)