

06.10.2023
Item No.16
RP
Ct. No.7

CO 3051 of 2023
Sulekha Ghosh
Vs.
Shri Ramkrishna Ghosh & Ors.

Mr. Rajnil Mukherjee
Mr. Mastafizur Rahaman

.... For petitioner

Mr. Sandip Ghosh
Mr. Partha Sarkar
Ms. Mousumi Chatterjee

..... For OP 2

As prayed for by the learned Advocate for the petitioner, leave is granted to the learned advocate for the petitioner to implead the defendant nos.6 to 14, who have been impleaded as defendants pursuant to the impugned order.

This application is at the instance of the plaintiff in a suit for partition challenging an order being no.59 dated May 6, 2023 passed by the learned Civil Judge, Senior Division, 2nd Additional Court at Barasat in Title Suit No.229 of 2019.

By the order impugned the prayer of the defendant nos.1 and 2 for addition of party was allowed.

Heard the learned advocate for the parties and perused the materials placed.

After going through the materials on record, this Court finds that the opposite party nos.1 and 2 filed an application under Order 1 Rule 10 of the Code of Civil Procedure, 1908 specifically stating therein that some

of the co-sharers of the property have not been impleaded in the suit for partition.

The learned trial Judge after noting that this is a suit for partition and all the co-sharers are necessary parties in a suit for partition allowed the application for addition of parties.

It will be open to the petitioner to agitate all his grievances before the learned trial Judge in the said suit for partition.

Learned advocate for the petitioner vehemently submits that there is serious disputes as to whether the added parties have acquired any right in respect of the property.

This Court does not find any infirmity in the order passed by the learned trial Judge. In view thereof, no interference is called for by this Court against the order impugned. Accordingly, CO 3051 of 2023 stands dismissed without, however, any order as to costs.

(HIRANMAY BHATTACHARYYA, J.)