

Ct.
No.
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22.11
2023

In The High Court At Calcutta
Jalpaiguri Circuit Bench
Appellate Side

C.O. 81 of 2023

SMT. SANCHARI SANYAL & ANR.
-Versus-
SRI KAMAL KR. SANYAL & ORS.

Dr. Navin Barik, Adv.
Mr. Sandip Majumdar, Adv.

...For the Petitioners.

Mr. Amalesh Roy, Adv.
Miss. Oshmita Mukherjee, Adv.

...For the Respondent Nos.1 to 4.

Mr. Deborshi Dhar, Adv.

... For Added Respondent.

This is an application under Article 227 of the Constitution of India against order No. 10 dated 12th June, 2023 passed by the learned Civil Judge, Junior Division at Siliguri in Title Suit No. 40 of 2022.

By the impugned order learned Court below allowed the plaintiff's prayer for addition of party with the observation that the partnership development firm and its partners are necessary parties in the suit as they have been given the authority to develop a portion of the suit property.

Mr. Navin Barik, learned Counsel appearing on behalf of the petitioners submits that he needs to file one application under Order VII Rule 11 with a prayer for rejection of the plaint and the present application may be disposed of giving liberty to the petitioners to file the said application before the Court below, with a further prayer to dispose of the said application seeking rejection of the plaint, before disposing any other application including the amendment application arising out of the

addition of the parties in the suit.

Mr. Amalesh Roy, learned Counsel appearing on behalf of the Opposite Party raised no objection if the present application preferred before this Court be disposed of in terms of the said prayer made by Mr. Barik.

Having considered the facts and circumstances of the case, invoking supervisory jurisdiction of this Court, C.O. No.81 of 2023 is disposed for the ends of justice by giving liberty to the petitioner herein to file application under Order VII Rule 11 within a period of four weeks before the Court below and in the event of filing such application before the Court below, the learned Court below will dispose of such application before taking up any other application including application for amendment of the plaint filed by the plaintiff on 6th January, 2023.

Urgent photostat certified copy of this order, if applied for, be supplied to the petitioner, on priority basis on compliance of all usual formalities.

(Ajoy Kumar Mukherjee, J.)