

Item No.44 (M.L)
18.11.2024
Court. No. 5
S.Kundu

C.O. 747 of 2024

Awdhesh Kumar Singh
Vs.
Smt. Deblina Ghosh & Ors.

Mr. Sandip Ghosh,
Mr. Debayan Ghosh

...for the petitioner.

1. The applicant is aggrieved by the failure on the part of the learned Civil Judge (Senior Division), 2nd Court at Barasat, North – 24 Parganas to hear out and to dispose of the application under Order I Rule 10(2) of the Code of Civil Procedure, 1908 in connection with Title Suit No. 406 of 2016.
2. Considering the nature of relief sought for, the above application is taken up for consideration without prior service thereof on the opposite parties.
3. The applicant is not a party to the suit but claims that he has acquired interest in the suit property by virtue of the sale certificate issued in terms of Rule 9(6) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and Rules framed thereunder. By placing before this Court a certified copy of an order dated 19th May, 2023, it is submitted that the applicant's application under Order I Rule 10(2) of the Code of Civil Procedure had been filed on 19th May, 2023. It is submitted that the

applicant is interested in the suit property and is a necessary party. Unfortunately, by reasons of non-disposal of the applicant's application for addition of party, the applicant has been suffering immensely.

4. Having regard to the aforesaid and without going into the issue whether the applicant at all has any interest in the suit property, I am of the view that the learned Court should hear out and dispose of the applicant's application for addition of party under Order I Rule 10(2) of the Code of Civil Procedure filed on 19th May, 2023 as expeditiously as possible preferably within a period of two months from the date of communication of this order unless the same has already been disposed of. The applicant must serve a copy of the aforesaid revisional application on the opposite parties on or before the matter is taken up next before the learned Court.
5. With the above observation, the revisional application is disposed of.

(Raja Basu Chowdhury, J.)