

05.08.2024
Item No.4, ML
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 1473 of 2023

**Mina Maddune Das @ Mina Das
@Mina Murdduney Das
-Vs-
Debasish Maddune & Ors.**

Mr. Kushal Chatterjee,
Mr. Debrup Chowdhury.
.....for the petitioner.

Mr. Gopal Chandra Ghosh,
.....for the opposite parties.

The matter though has been brought to the list for extension of interim order but by the consent of the parties, it is taken up for final disposal.

The instant application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for declaration and is directed against Order No.95 dated February 08, 2023 passed by the 1st Court of the Learned Civil Judge (Junior Division) at Arambag, District: Hooghly in the said suit being Title Suit No.77 of 2012.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner under Order 1 Rule 10(2) of the Code of Civil Procedure for addition of the transferees *pendente lite* on the ground of delay and that the trial of the suit has commenced.

Mr. Ghosh, learned senior Counsel appearing on behalf of the opposite parties submits that the addition of the parties would delay the disposal of the suit which would affect his clients adversely.

In view of the nature of the dispute to be determined in the suit, the addition of the transferees *pendente lite* is necessary, the order impugned is therefore set aside.

The plaintiff is directed to take steps in the suit within a period of seven days from date.

C.O. 1473 of 2023 is thus disposed of without any order as to costs.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)