

13.08.2024
Item No.19, DL
Ct.19
A.J.

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

C.O. 2848 of 2024

M/s. Paramsukh Nirman Pvt. Ltd.

-Vs-

Unipon Infrastructure & Marines Ltd. & Ors.

Mr. Sukrit Mukherjee,
Mr. Shuvojeet Gupta.
.....for the petitioner.

Ms. Rituparna Chatterjee,
Ms. Khushboo Choudhury.
.....for the opposite party nos.1 to 4.

The plaintiff in a money suit is the petitioner of the instant application under Article 227 of the Constitution of India which is directed against orders dated February 16, 2022 and May 07, 2024 passed by the 5th Court of the learned Civil Judge (Senior Division) at Alipore, District : 24-Parganas (South) in the said suit being Money Suit No. 138 of 2019.

The learned Trial Judge by the order impugned dated February 16, 2022 has allowed an application filed by the defendants, the opposite party nos. 1 to 4 herein under Order I Rule 10(2) of the Code of Civil Procedure thereby has added the opposite party nos.5 to 10 in the said suit as defendants and by the order impugned dated May 07, 2024 has dismissed an application praying recall of the said order dated February 16, 2022.

The principal grievance of the petitioner is that the order impugned though records that in spite of filing hajira, the plaintiff did not turn up to contest the

said application but the said application was allowed without affording an opportunity to the plaintiff to contest it in spite of having a written objection to the said application on record.

Be that as it may, the learned Advocate for the petitioner submits that except relief under prayer 'F' the added defendants have no nexus with the other reliefs sought for in the suit as such to avoid delay in disposal of the suit the plaintiff may mould its prayer 'F' so that addition of unnecessary party in the suit can be avoided.

To afford an opportunity to the plaintiff to contest the application under Order I Rule 10(2) of the Code of Civil Procedure particularly in view of its aforesaid stand the orders impugned are set aside.

The learned Trial Judge is requested to reconsider the said application afresh in accordance with law after giving the parties opportunity of hearing.

C.O. 2848 of 2024 is disposed of with the above terms 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.)