

27.08.2024
(D/L-10)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2988 of 2024

Kamini Begum & Ors.

-Vs-

Satya Narayan Prasad Gond & Ors.

Mr. Apzal Ansari,

Mr. M. Ahamed, ... For the Petitioner.

The plaintiffs in a suit for partition are the petitioners of the instant revisional application under Article 227 of the Constitution of India which is directed against order dated July 11, 2024 passed by the 2nd Court of learned Civil Judge (Senior Division), Howrah, in the said suit being Title Suit No. 112 of 2007.

The petitioners by an application under Order VI Rule 17 of the Code of Civil Procedure, have prayed that the name of the defendant no. 9 be expunged.

The learned Trial Judge by the order impugned has dismissed the said application holding that the said defendant since has acquired interest in the suit property by way of purchase, is a necessary party to the suit.

The application though has been captioned under a wrong provision of the Code, in effect it is an application Order I Rule 10(2) of the Code but in the view of the finding of the learned Trial Judge that the defendant no. 9 has a subsisting interest

in the suit property, this Court is not inclined to interfere with the order impugned.

C.O. 2988 of 2024 is thus dismissed without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

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

(Biswajit Basu, J.)