

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. 3269 of 2024

**Snehalata Mondal, since deceased, represented
by her legal heirs and representatives – Mantu
Mondal & Ors.**

Vs.

Gouranga Mondal & Ors.

Mr. Sandip Das

...For the petitioners.

The plaintiffs in a suit for declaration of title being Title Suit No. 25 of 2012, pending before the Court of the learned Civil Judge, (Junior Division) at Kakdwip, District – 24 Parganas (South), are the petitioners in the instant application under Article 227 of the Constitution of India. The order impugned being Order No. 107 dated July 25, 2024 is under challenge.

The defendant no. 1 was a minor at the time of filing of the suit, as such was being represented by his natural guardian, the father.

The said defendant, after attaining majority, prayed permission before the learned Trial Judge to adduce evidence, such permission has been granted vide order impugned being Order No. 107 dated July 25, 2024.

Mr. Das, learned advocate for the petitioners submits that Order XXXII Rule 12 of the Code of Civil Procedure is the course to be followed by a minor after attaining majority, in terms of the said provision of the

Code, the learned Trial Judge should not have granted the impugned permission, particularly when the father of the said defendant, being a party to the suit, has already adduced evidence.

The minor was a party to the suit, therefore, in the present situation, the said provision of the Code cannot be resorted to deny the right of a defendant to adduce evidence.

The order impugned, for the aforesaid reason, does not call for any interference.

C.O. 3269 of 2024 is therefore 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.)