

S/L 5
08.8.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 3455 of 2023
With
CAN 1 of 2024

Sri Arvind Kumar Choudhury, since deceased, represented
by Smt. Krishnawati Devi & Ors.

Vs.

Sri Rajesh Kumar Chowdhury & Anr.

Mr. Debjit Mukherjee
Mr. Kaustav Bhattacharya

...for the Petitioners.

Mr. Gopal Ch. Ghosh

...for the Opposite Parties.

The plaintiffs in a suit for eviction is the petitioners of the instant application under Article 227 of the Constitution of India which is directed against order dated August 21, 2023 passed by the 3rd Court of learned Civil Judge (Junior Division) at Alipore, District: 24 Parganas (South) in the said suit being *Title Suit No.228 of 2014*.

The plaintiff no.2 had filed an application for recording of factum of transfer of the share of the plaintiff no.5 in his favour. The learned Trial Judge by the order impugned has dismissed the said application. In the application though the prayer has been made for recording of such fact but in the body of it the plaintiff no.2 had prayed for deletion of the name of the plaintiff no.5 from the array of plaintiffs.

Be that as it may the devolution of interest during the pendency of the suit is regulated by the provision of Order XXII Rule 10 of the Code of Civil Procedure, as such

there is no scope to delete of the name of the plaintiff no.5 from the array of plaintiffs and to bring the said fact of devolution of interest *pendent lite*, the plaintiffs are required to amend the plaint.

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

CO 3455 of 2023 is thus dismissed without any order as to costs.

However, the disposal of the suit be expedited.

In view of the dismissal of the revisional application, the connected application being CAN 1 of 2024 has become infructuous and is dismissed as such.

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

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

(Biswajit Basu, J.)