

Item No. 11
23.02.2024
Court. No. 19
GB

C.O. 4404 of 2023

D R M R Infrastructure Private Limited
Vs.
Manash Goswami & Ors.

*Mr. Bhudeb Bhattacharyya,
Mr. Sugata Shankar Roy*

...for the Petitioner.

*Mr. Partha Pratim Roy,
Mr. Chiranjib Sinha,
Mr. Dyutiman Banerjee*

...for the Opposite Party No.2.

Mr. Sharanya Chatterjee

...for the Opposite Party Nos.9 & 10.

By the order impugned dated August 31, 2023, the addition of Chandmal Religious Trust, represented by its trustee Surendra Singh Bhotoria as a defendant no.8 in the suit, has been turned down by the learned court below.

Although, this Court is of the view that Section 92 of the Code of Civil Procedure should not have been applied at the time of disposal of this application for addition of the trust, this Court finds that plaint as it stands today, does not disclose why the trust is a necessary party.

The petitioner is at liberty to take steps in accordance with law to bring on record the subsequent transfer to the trust by taking appropriate steps for incorporation of pleadings and disclosing the reasons why an addition is necessary. The prayer for addition shall accordingly be renewed.

This Court has not interfered with the order impugned on the above ground alone.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)