

11.02.2025
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**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURIDICITION
APPELLATE SIDE**

C.O. 184 of 2024

Basudeb Roy & Ors.
-VS-
Prafulla Ch. Roy

Mr. Bikramaditya Ghosh
Mr. Swarup Das
Mr. Vivek Saha

... for the petitioners

Affidavit of service filed by the petitioners is taken on record.

In this case the petitioners have challenged the order of the Civil Judge, Junior Division, Jalpaiguri dated September 9, 2004 in Title Suit No. 84 of 2023.

The impugned order is with regard to grant on the prayer of the opposite party under Section 10 of the Code of Civil Procedure.

Mr. Ghosh, learned advocate appearing for the petitioners would submit by referring to the objections submitted by the petitioners before the learned trial court as against the prayer of the opposite party under Section 10 of the Code of Civil Procedure, that the order as impugned has been procured by the opposite party by way of mis-

representation and deceit exercise upon the Court. He would submit that earlier suit being Title Suit No. 213 of 2022 has been filed by the present opposite party with erroneous cause title.

Necessary parties were not added in the said suit at the relevant point of time. Later on after filing of the Title Suit No. 84 of 2003 by the present petitioner, the opposite parties came up with application for amendment of cause title of the said earlier suit as well as to add parties therein and thereby played mischief and obtained the order as impugned in the present case from the Court. He would seek that the reasons as above should prompt the Court to find the impugned order to be illegal and not maintainable.

Considering the submissions as made above and the records, the Court is of the opinion that notice should immediately be served upon the present opposite parties. Therefore, let the petitioners be served notice upon the parties immediately and file affidavit of service in Court on the next date of hearing.

Let this matter be adjourned today and placed before the next available Circuit Bench.

In the meantime, let the order under challenge being dated September 9, 2024 in

Title Suit No. 84 of 2023 be stayed till 15th March, 2025.

(Rai Chattopadhyay, J.)