

Item-6.	27-08-2025	FA 271 of 2014 CAN 5 of 2017 (old CAN 11652 of 2017) CAN 9 of 2024 CAN 10 of 2025
sg		
	Ct. 16	Dr. Nasim Akhtar Vs. Aminul Islam & Ors.

Mr. Aniruddha Chatterjee, Sr. Adv. Mr. Kushal Chatterjee Mr. Provash Srivastava	...for the appellant
Mr. Arijit Bardhan Mr. Vivekananda Bose Mr. Saudull Abedin Mrs. Chitra Abedin Ms. Pooja Singh Mr. Gourab Mondal	...for the applicants
Mr. Probal Mukherjee, Sr. Adv. Mr. Iqbal Hussain	...for the respondent no.1

1. In view of the leave granted to the applicants for addition of parties in FA 32 of 2016 and the subsequent clarification in the order dated 18th June, 2025, the impugned judgment and decree is set aside.
2. In our view, the matter is required to be decided fresh by the learned Trial Court taking into consideration the objection that may be filed by the applicants for addition of party in FA 31 of 2016.
3. We make it clear that depending upon the written statement that may be filed by the applications, if necessary, issues may be recast and the learned Trial Court shall rewrite the judgment on the basis of the evidence that may be required further in deciding the said

suit.

4. It is submitted on behalf of the appellants in FA 32 of 2016 and Mr. Arijit Bardhan, learned Counsel, representing the applicants in for additional of party that the property is required to be treated as secular.
5. However, we feel that the written statement to that effect is required to be filed before the learned Trial Court. It would be open for the learned Trial Court to call for any fresh evidence, if necessary, to decide the issues in the suit unless it shows justification for fresh evidence to be taken on other materials after the issues are settled.
6. All the parties shall be at liberty to adduce further evidence, if required, for taking a decision on merits otherwise the court may rewrite the judgment on the basis of the existing evidence taking into consideration the quality and nature of the plaintiff's defence that may be taken by the applicants in the written statement.
7. Since the entire matter may be at large before the learned Trial Court, it would be open for the applicants/respondent nos. 19A and 19B to move the learned Trial Court with the similar relief.
8. All the appeal and the applications are accordingly, disposed of. However, there shall be no order as to costs.
9. The application being CAN 10 of 2025 is not required to be deiced at this stage unless the nature of the property is

decided by the learned Trial Court.

10. Since no affidavit-in-opposition is called for, all allegations are deemed to have been denied.
11. TCR may be send down before the learned Trial Court immediately.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)