

February 19, 2025
Sl. No.10
Court No.6
s.biswas

CO 546 of 2025
Nayan Mati and another
vs.
Shatabdi Ghosh and others

Mr. Nizamuddin Gharami

... for the petitioners

1. This application under Article 227 of the Constitution of India is at the instance of the applicant under Order 1 Rule 10 of the Code of Civil Procedure and is directed against the order dated 11th September, 2024 passed by the learned Civil Judge (Senior Division), 7th Court, Alipore in Title Suit No.127 of 1999.
2. The petitioners applied for being added as party defendants in a partition suit which is at the stage of final decree proceedings.
3. The learned trial Judge has specifically recorded that the suit was decreed on 15th December, 2003 in preliminary form. It further appears from the record that the defendants of the partition suit challenged the preliminary decree by preferring an appeal being Title Appeal No.24 of 2004 and the same was dismissed, thereby affirming the preliminary decree. The matter was carried before this Hon'ble Court in SAT 1566 of 2006 and the second appeal was dismissed on 28th September, 2007 thereby affirming the

preliminary decree dated 15th December, 2003.

The petitioners herein applied for being added at the stage when the new partition commissioner was appointed to undertake commission work. The learned trial Judge rightly recorded that there is no scope to add the petitioners as party defendants at this stage. For such reason, this court is not inclined to interfere with the order impugned.

4. CO 546 of 2025 stands dismissed. There shall however be no order as to costs.
5. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon compliance of all necessary formalities.

(Hiranmay Bhattacharyya, J.)