

Court No. 6
(265719)

16.04.2025
(AD 26)
(S. Banerjee)

CO 908 of 2025

Chandra Das Mondal
Vs.
Naba Kumar Hambir & Ors.

Mr. Kajal Ray

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the first plaintiff and is directed against Order No. 44 dated September 9, 2024, passed by the learned Civil Judge (Sr. Division), 2nd Court at Chinsurah in Title Suit No. 66 of 2018. By the order impugned the application under Order 1 Rule 10 of the Code of Civil Procedure filed by the plaintiff/petitioner herein, stood rejected.

Though by the order impugned two applications were disposed of, the learned advocate for the petitioner has assailed the portion of the order by which the application under Order 1 Rule 10(2) of the Code was rejected.

In the application under Order 1 Rule 10(2) of the CPC, it has been stated that in the LR record of rights the names of the defendant nos. 1 to 7 have been erroneously recorded and in order to clarify under what situation the names of the defendant nos.

1 to 7 was recorded in the record of rights, the Block Land and Land Reforms Officer is a necessary party in the instant suit.

After going through the plaint of the instant suit this Court finds that the suit is for declaration and permanent injunction in respect of an immovable property. The petitioner has prayed for a declaration that the plaintiff and the proforma defendant nos. 8 to 12 are the joint owners of the property and the defendant nos. 1 to 7 have no title herein.

It is well settled that the prayer for correction of the record of rights before the civil Court is not maintainable.

The learned trial Judge was right in holding that the Block Land and Land Reforms Officer is not a necessary party in a suit of this nature.

For the reasons as aforesaid, this Court is not inclined to interfere with the order impugned.

Accordingly, CO 908 of 2025 stands disposed of.

(Hiranmay Bhattacharyya, J.)