

D/L - 30
17/03/2025
Court. No. 6
S.Kundu

C.O. 927 of 2025

**Md. Mukhtar Ahmed
Vs.
Shahzada Iqbal & Ors.**

Mr. Uddipan Banerjee,
Mr. S. Samanta

...for the petitioner.

This application under Article 227 of the Constitution of India is at the instance of a third party whose application praying for addition of party stood rejected by the order being no. 8 dated 27th August, 2024 passed by the learned Civil Judge (Junior Division), 3rd Court, Howrah in Title Suit No. 45 of 2024.

The learned advocate appearing for the petitioner submits that the petitioner is a co-sharer of the plaintiff of Title Suit No. 45 of 2024. The defendant in Title Suit No. 45 of 2024 were the tenants under the petitioner herein and they have surrendered the tenancy and the petitioner is in possession of the portion in respect of which the plaintiff/opposite party herein has sought for eviction of the defendant.

After going through the plaint of the Title Suit No. 45 of 2024, this Court finds that it is the specific case of the plaintiff/opposite party herein that the defendants

were allowed to occupy the suit property as a licensee and the said licence was revoked and suit for eviction of a licensee was filed.

In the application under Order 1 Rule 10/2 of the Code of Civil Procedure, the petitioner has claimed that he is a co-sharer in respect of the suit property along with other legal heirs of Sk. Samsul Hoda and Sk. Abdul Jalil. After going through the application for addition of party, this Court finds that the petitioner has sought to enlarge the scope of the suit for eviction of the licensee by way of being added as a party defendant in the said suit.

It is well settled that an application for addition of party cannot be allowed if it would ultimately result in enlarging the scope of the suit. The instant suit is a suit for eviction of a licensee and if the petitioner is allowed to be impleaded in such a suit, the same would be converted to a dispute between the co-sharers which is not permissible.

The learned Trial Judge assigned cogent reason for rejecting the said application. For such reason, this Court is not inclined to interfere with the impugned order.

Accordingly, C.O. 927 of 2025 stands dismissed.

There shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)