

Sl. 9
26.03.2025
Court No.6
BP

C.O. 1002 of 2025

Hasnara Bibi Sk. @ Hasnara Bibi
-versus-
Choudhury Mustafijur Rahman & Ors.

Mr. Arup Krishna Das
Mr. Abdus Salam
.... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of an applicant under Order 1 Rule 10(2) of the Code of Civil procedure and is directed against an order being no. 29 dated August 30, 2024 passed by the learned Civil Judge (Junior Division), 2nd Court at Katwa in Title Suit No. 70 of 2021. By the order impugned the application filed by the petitioner herein for adding herself as a party defendant in the said suit stood rejected.

The opposite party nos. 1 to 3 herein filed a suit for declaration that they are the co-sharer in respect of the property along with the first defendant in the said suit. The plaintiffs have also challenged the deed of Hebanama by virtue of which the defendant no.1 is claiming absolute title in respect of the suit property.

Mr. Das, learned advocate appearing for the petitioner submits that the petitioner claims to be the co-sharer in respect of the suit property by virtue of inheritance from the original owner. He submits that the petitioner is a necessary party in the said suit.

After going through the plaint of the suit, this Court finds that the scope of the suit is whether the plaintiffs are the co-sharer in the suit property and having half share therein or the defendant no.1 is the absolute owner of such property. The petitioner herein claims to be the co-sharer. In the application under Order 1 Rule 10. The petitioner has not stated anything about the deed by virtue of which the defendant no.1 is claiming absolute title in respect of the suit property.

After going through the scope of the suit and the application under Order 1 Rule 10 of the Code of Civil Procedure, this Court finds that if the petitioner is added as a party defendant in the said suit, the scope of the instant suit will be enlarged which is not permissible in law. The learned trial judge was right in rejecting the application for addition of party. For such reason, this Court is not inclined to interfere with the order impugned. It will be open to the petitioner herein to work out her remedies in accordance with law.

With the above observations and directions, C.O. 1002 of 2025 stands disposed of.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)