

Court No. 6
(265719)

02.08.2025
(AD 31)
(S. Banerjee)

CO 1309 of 2025

Dhananjoy Bhakat
Vs.
Debshankar Mukherjee & Anr.

Mr. Subhas Chandra Atha

...for the petitioner

On the prayer of the learned advocate appearing for the petitioner, leave is granted to the learned advocate-on-record of the petitioner to amend the cause-title by adding the defendant nos. 5(a) to 5(i) as opposite parties who have been added by virtue of the impugned order.

Let such amendment be carried out, here and now.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being no. 55 dated November 7, 2024 passed by the learned Civil Judge (Jr. Division), 1st Court, Sadar Bankura in Title Suit No. 188 of 2015.

By the order impugned the application under Order 1 Rule 10(2) of the Civil Procedure Code

praying for addition as party defendant, stood allowed.

Learned advocate appearing for the petitioner submits that during the pendency of the instant suit and in violation of the order of injunction, the applicants under Order 1 Rule 10(2) of the Civil Procedure Code purchased the portion of the suit property. He further submits that since the transfer was in violation of an order of injunction, they should not be allowed to be added as party defendants.

The petitioner filed a suit for declaration that the sale deed executed in favour of the defendant nos. 2 to 4 as constituted attorney of the plaintiff, may be declared as illegal and without jurisdiction and for permanent injunction. During the pendency of the said suit, the added defendant nos. 5(a) to 5(i) purchased a portion of the suit property and filed an application for being added as party defendants in the instant suit.

The added defendants claim that during the pendency of the suit, interest in the suit property devolved upon them. In view thereof, they sought for being added in the suit. It is well settled that a transferee pendente lite would be bound by the decree that may be passed in the suit.

In view thereof, this court holds that the learned trial judge was right in allowing the prayer for addition of party as the applicants under Order 1 Rule 10(2) of the Civil Procedure Code are necessary parties in the instant suit and their presence is necessary for the purpose of effective adjudication of the dispute involved between the parties.

This court is, therefore, not inclined to interfere with the order impugned.

Accordingly, CO 1309 of 2025 stands dismissed without, however, any order as to costs.

(Hiranmay Bhattacharyya, J.)