

07.05.2025
Item no. 14.
Court No.6.
AB

C. O. 1504 of 2025

**Nujefa Bibi & Anr.
Vs
Najira Bewa & Others**

Mr. Shibasis Chatterjeefor the Petitioners.

This application under Article 227 of the Constitution of India is at the instance of an applicant under Order 1 Rule 10 of the Code of Civil Procedure and is directed against an order being no.08 dated August 6, 2024, passed by the learned Civil Judge (Junior Division), Additional Court, Lalbagh, Murshidabad in Title Suit No.327 of 2024.

By the order impugned, the application filed by the petitioners for being added as a party in the suit for declaration and permanent injunction between the opposite party nos.1 and 2 stood rejected.

The learned advocate appearing for the petitioners submits that the petitioners filed an application under Section 8 of the West Bengal Land Reforms Act praying for pre-emption as a co-sharer on the ground that the opposite party no.2 sold his share in the plot of land in favour of the opposite party no.3.

The learned advocate appearing for the petitioners submits that the suit is a collusive suit and the presence of the petitioners is necessary in order to

protect the interest of the petitioners in the application for pre-emption.

The opposite parties herein filed a suit for declaration that the deed dated April 19, 2024 is void ab initio and for other consequential reliefs. The petitioners cannot be said to be necessary parties for the purpose of adjudication as to whether the said deed is void or not as such a dispute is only between the vendor/plaintiff and vendee/defendant of this suit.

It is well-settled that addition of party should not be allowed if it results in enlarging the scope of the suit. It is not in dispute that if the petitioners are added as parties in the suit for declaration, the scope of the suit would be enlarged as the petitioner is seeking to introduce a new cause of action arising out of the transfer made through impugned deed, which is not permissible. The learned Trial Judge assigned cogent reason for rejecting the application for addition of party. This Court does not find any reason to interfere with the order under challenge.

In view thereof, C. O. No. 1504 of 2025 stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Hiranmay Bhattacharyya, J.)

