

D/L- 20
08/05/2025
Ct. No.-6
Aritra

C.O. 1576 of 2025

**Indrani Chattopadhyay
Vs.
Smt. Anjana Tarafdar & Ors.**

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee
Mr. Prasanta Kr. Roy

....for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the heir of the defendant No.2 and is directed against an order dated April 5, 2025 passed by the learned Civil Judge (Jr. Div.), 2nd Court, Serampore, District-Hooghly in Title Suit No.408 of 2016.

By the order impugned the prayer of the petitioner for being impleaded as party-defendant in the said suit by an application under Order 1, Rule 10(2) of the Code of Civil Procedure stood rejected.

Mr. Roy, learned advocate appearing for the petitioner submits that the petitioner is the heir of the defendant No.2 and the right to sue survives upon the petitioner upon the death of the defendant No.2.

Mr. Roy, learned advocate appearing for the petitioner, in course of his argument, in his usual fairness, did not dispute that the defendant No.2 during his lifetime has transferred the suit property in favour of

the defendant No.3 by a registered deed of gift dated September 5, 2014.

By virtue of the said transfer the right, title and interest of the defendant No.2 has been transferred in favour of the defendant No.3 and, therefore, the estate of the deceased defendant No.2 is now being represented by the transferee i.e. defendant No.3. In view thereof, the petitioner cannot be said to be a necessary party nor a proper party in the suit. The presence of the petitioner is not necessary for the purpose of adjudication of the dispute involved in the suit. The learned trial judge has assigned cogent reasons for rejecting the application under Order 1, Rule 10(2) of the Code of Civil Procedure.

For such reason this Court is not inclined to interfere with the order impugned.

Accordingly, CO 1576 of 2025 stands dismissed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)