

Sl.39
22.05.2025
Court No.6
BP

C.O. 1827 of 2025

Vigneshawara Properties Private Limited
-versus-
Ajoy Mondal & Ors.

Mr. Probal Kumar Mukherjee, Sr. Advocate
Mr. Arnab Roy
Mr. Satyam Mukherjee
Ms. Sayani Ahmed
... for the petitioner

Mr. Partha Sarathi Das
Ms. Priya Malakar
..for the opposite party no.5

This application under Article 227 of the Constitution of India is at the instance of the defendant no.1 and is directed against an order being no.42 dated April 29, 2025 passed by the learned Civil Judge (Junior Division), 1st Court at Barasat, North 24 Parganas in Title Suit No. 509 of 2021.

From the order impugned it appears that while deciding the application under Order 1 Rule 10(2) of the Code of Civil Procedure the learned trial judge proceeded on the basis that the plaintiff wants to implead one Chandan Kumar Mondal as principal defendant.

Mr. Mukherjee, learned senior advocate appearing for the petitioner submits that the application for addition of party was not filed by the plaintiff.

Such submission is however not disputed by the opposite party no.5 who has been added by the impugned order.

That apart, the learned trial judge has not assigned reasons as to why the said Chandan Kumar Mondal is a necessary party in the instant suit.

For such reason, this Court is inclined to interfere with the order impugned. The order dated 29th April, 2025 stands set aside. The application under Order 1 Rule 10(2) read with Section 151 of the Code of Civil Procedure is restored to the file of the learned Civil Judge (Junior Division), 1st Court at Barasat, North 24 Parganas.

The learned trial judge is requested to consider the said application afresh, afford opportunity of hearing to the respective parties and dispose of the same by passing a reasoned order as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

It is, however, made clear that all points are left open to be decided by the learned trial judge at the time of hearing of the application for addition of party.

With the above observations and directions, C.O. 1827 of 2025 stands allowed.

There shall be, however, 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.)