

Sl.315
16.06.2025
Court No.6
BP

C.O. 2766 of 2024
With
CAN 1 of 2025

Haran Mondal & Ors.
-versus-
Nurnobi Mondal & Ors.

Mr. Saptarshi Kumar Kundu
... for the petitioners

Ms. Deblina Lahiri
Mr. Mrinmoy Chatterjee
..for the opposite party
nos. 1 and 2

This application under Article 227 of the Constitution of India is at the instance of the plaintiffs and is directed against an order being no. 32 dated 4th May, 2024 passed by the learned Civil Judge (Senior Division), Kalyani, Nadia in Title Suit No. 16 of 2022.

By the order impugned the application filed by the petitioners under Order 1 Rule 10(2) of the Code of Civil Procedure and the petition under Order 11 Rule 1 of the Code of Civil Procedure stood rejected.

The learned advocate appearing for the petitioners submits that the property was acquired and for such reason the State of West Bengal and the Block Land and Land Reforms Officer, Chakdah are necessary parties to the said suit. He further submits that since the compensation has been paid the opposite parties should

disclose the documents in respect of payment of compensation. The instant suit is the suit for partition.

It is well settled in such a suit only the co-sharers of the property are the necessary parties. Merely because of the fact that it has been alleged that the portion of the property was acquired by the State of West Bengal, the State of West Bengal or the concerned Block Land and Land Reforms Officer cannot be said to be the necessary parties in such a suit. The learned trial judge was right in holding that the presence of the State and the Block Land and Land Reforms Officer are not necessary for the purpose of adjudication of the instant suit.

The learned trial judge also took note of the averments made in the written statement and observed that it has not been stated in the said written statement that compensation amount has been paid to the raiyat of the land.

The learned advocate appearing for the petitioners could not dispute such factual recording in course of hearing of the civil revisional application.

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

Accordingly, C.O. 2766 of 2024 stands dismissed.

In view of the order passed the application being CAN 1 of 2025 stands disposed of as infructuous.

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.)