

Sl.46
25.08.2025
Court No.6
BP

C.O. 3090 of 2025

Sekendar Ram
-versus-
Smt. Malati Sharma & Ors.

Mr. Debasis Sur
Mr. Dilip Kumar Das
Mr. Hare Krishna Halder
... for the petitioner

On the prayer of the learned advocate for the petitioner, leave is granted to the learned advocate on record of the petitioner to correct the typographical errors which has crept in the cause title of the civil revisional application, here and now.

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against the orders dated 29th July, 2025 and 12th August, 2025 both passed by the learned Civil Judge (Junior Division), 1st Court, Chandannagore, Hooghly in Title Suit No. 283 of 2022.

By the order dated 19th July, 2025 the application under Order 1 Rule 10 (2) of the Code of Civil Procedure was heard and the same was rejected by the order dated 12th August, 2025.

The learned advocate appearing for the petitioner submits that such application was not filed by the defendant/petitioner but by certain third parties claiming to be the co-sharers in respect of the suit property.

It appears from the record that the opposite party no.1 filed a suit for eviction against the petitioner herein. In such a suit the defence of the petitioner against delivery of possession was struck off. The evidence of the plaintiffs have already been concluded and the date was fixed for arguments. At that stage an application under Order 1 Rule 10 (2) of the Code of Civil Procedure was filed by third parties praying for addition as defendants. The persons sought to be added claims to be the co-sharers in respect of the suit property and prayed for being added as the party defendant.

The learned trial judge after taking note of the fact that the instant suit is for eviction of the petitioner was right in holding that the applicants under Order 1 Rule 10 (2) of the Code of Civil Procedure are neither necessary parties nor proper parties in the instant suit. If the applicants under Order 1 Rule 10 is added the scope of the suit would get enlarged, which is not permissible. However, the applicants under Order 1 Rule 10 (2) of the Code of Civil Procedure are not aggrieved by such order and they have not challenged the said order. The defendant, whose defence has been struck off, has approached this Court by filing the instant application.

Since the impugned order does not suffer from any infirmity, this Court is not inclined to interfere with the same at the instance of the petitioner.

The learned trial judge is requested to dispose of the Title Suit No. 283 of 2022 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

Accordingly, C.O. 3090 of 2025 stands dismissed.

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.)