

D/L- 33
22/09/2025
Ct. No.-6
Aritra

C.O. 3541 of 2025

**Amjad Sekh & Ors.
Vs.
Dhulo Sekh & Ors**

Mr. Subhrayjoti Ghosh

....for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being No.32 dated June 26, 2025 passed by the learned Civil Judge (Jr. Div.), 3rd Court at Krishnagar in Title Suit No.128 of 2023.

By the order impugned the application under Order 1 Rule 10 (2) of the Code of Civil Procedure stood rejected.

The learned advocate appearing for the petitioner submits that since some persons were creating disturbance in the peaceful possession of the petitioners in respect of the suit property they were sought to be added by filing the application under Order 1 Rule 10 (2) of the Code of Civil Procedure.

After going through the materials on record this Court finds that the petitioner filed a suit for permanent injunction. It has been stated in the plaint that the defendants are owners of the adjacent land of the suit property and they have been cultivating their land and due to envy to the plaintiffs the defendants are creating disturbances in the peaceful enjoyment of the plaintiffs in

respect of the suit property and the defendants are no way connected to the suit property but are trying to grab the plaintiff's suit property forcibly. Such was the cause of action pleaded in the plaint for filing the instant suit for permanent injunction. In such a suit the petitioners filed an application under Order 1 Rule 10 (2) of the Code of Civil Procedure on the ground that after obtaining the plot information report it was found that names of certain persons were recorded in suit plot No.341. The said application does not disclose as to why the said persons are necessary party in the instant suit for permanent injunction.

Plaintiff filed the suit stating that he is the owner of 31 decimals of land. The L.R. Plot No.341 measures about 36 decimals of land. Persons whose names are appearing in the L.R. Record of Rights in respect of Plot No.341 for 36 decimals are not necessary parties in the instant suit where the subject matter of dispute relates to 31 decimals.

The learned trial judge was right in holding that the plaintiffs claimed to be the owner of 31 decimals in the suit plot and all persons whose names have been recorded in L.R. Plot No.341 for 36 decimals cannot be said to be necessary parties in a suit for permanent injunction. The learned trial judge was right in rejecting the application for addition of party.

Accordingly, CO 3541 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.)