

0204
2025

WEDNESDAY

Court : CB-07
Item : DL-07
Bench : SINGLE
Matter : CO
Status : DO
ID : 266057
AR : NANDY

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 3677 OF 2024
WITH
CAN 1 OF 2024

SUBHASINDU DAS & ORS.
VS.

NIRMAL CHANDRA SARKAR @ GOPAL SARKAR & ORS.

MR. SOUNAK BHATTACHARYA, ADVOCATE
MR. CHIRANJUB SINHA, ADVOCATE
MR. SATYAM MUKHERJEE, ADVOCATE

.....for the Petitioners

MR. SIDDHARTHA BANERJEE, SR. ADVOCATE
MR. BIKRAM BANERJEE, ADVOCATE
MS. SAGARIKA GOSWAMI, ADVOCATE

.....for the Opposite Parties

CAN 1 OF 2024

1. The instant application, CAN 1 of 2024, for the addition of parties, has been filed in connection with the revisional application CO 3677 of 2024.
2. The Plaintiffs/Petitioners had initiated a suit under Section 92 of the Code of Civil Procedure, 1908 (CPC), regarding a public charitable trust. The applicants in CAN 1 of 2024, who claim to be interested parties in relation to the suit property (a trust), have filed an application under Order 1 Rule 10(2) of the CPC, seeking their addition as parties to the suit.
3. In response, the Plaintiffs/Petitioners filed an application challenging the maintainability of the application for the addition of parties.
4. By the order under challenge in the revisional application, the application challenging the maintainability of the application for the addition of parties has been rejected.
5. Mr. Siddhartha Banerjee, learned Senior Advocate, appearing for the applicants in CAN 1 of 2024, submits that the applicants have not been impleaded as parties to this revisional application, despite having a right of audience in the matter.

6. Since the order was passed in relation to an application for the addition of parties, I am of the view that for the effective adjudication of this revisional application, the presence of the applicants in CAN 1 of 2024 is necessary.
7. Accordingly, the applicants in CAN 1 of 2024 are added as parties to this revisional application. The application, CAN 1 of 2024, is therefore disposed of.
8. It is, however, made clear that their addition to this revisional application does not automatically confer any right upon them to be added as parties to the suit.
9. the Office is directed to make the necessary amendments in the cause title, adding the applicants in the category of respondents.

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10. As noticed earlier, that in connection with a Suit instituted under Section 92 of the Code of Civil Procedure, the applicants in CAN 1 of 2024 filed an application under Order 1 Rule 10 (2) of the Code seeking their addition as party to the Suit.
11. The plaintiffs/petitioners filed an application challenging the maintainability of the application and by the order impugned the application has been rejected on contest.
12. Mr. Sounak Bhattacharya, learned Advocate appearing for the plaintiffs/petitioners, submits that if the learned Trial Court is directed to address the issues raised by both parties in the application for the addition of parties, as well as in the written objections thereto, including the issue of the maintainability of the application for the addition of parties, the petitioners will have no objection. Furthermore, the Court may observe that the observations made in this order shall not operate as res judicata with respect to the decision to be taken on the application for the addition of parties.
13. Mr. Banerjee, appearing for the added respondents,

submits that the respondents have no objection in accepting the suggestion made on behalf of the petitioners.

14. In light of the submissions made by the parties, the order under challenge in this revisional application is hereby set aside.

15. The Trial Court is directed to decide the application for the addition of parties, taking into account the averments made in the application for addition of parties and the written objections filed in response thereto, and addressing the grounds raised therein, including the issue of the maintainability of the application for the addition of parties. This shall be done without being influenced by any observations made in this order, and the application shall be decided as expeditiously as possible, without granting unnecessary adjournments to either party.

16. With these observations and order, the revisional application being **CO 3677 of 2024** is, thus, **disposed of**.

(PARTHA SARATHI CHATTERJEE, J.)

