

04.02.2026
Ct. No. 06
Item 17
Cp

C.O. 18 of 2026

Bachhu Ranjan Das
Vs.
Subhasindu Das & Ors.

Mr. Debasish Roy, Sr. Advocate
Mr. Bikram Banerjee
Ms. Sagarika Goswami

.....for the petitioner.

Mr. Sounak Bhattacharya
Mr. Chiranjib Sinha

.....for the opposite party nos. 1 to 5.

Mr. Tanmoy Mukherjee
Mr. Satyam Mukherjee
Mr. Purnendu Shekhar Ghosh

.....for the opposite party nos. 6 & 7.

Affidavit of service is taken on record.

The petitioner is aggrieved by an order dated September 9, 2025, passed by the learned Additional District Judge, Fast Tract Court No.1, Alipore in connection with Title Suit No.105 of 2012.

The petitioner filed an application for addition of party on the ground that he being a devotee is required to be added in the suit, for the welfare of the "Sangha". It is stated that, the committee and the alleged members of the "Sangha", who have filed the suit are colluding with each other thereby acting in a manner detrimental to the welfare of the "Sangha" and the devotees.

Mr. Tanmoy Mukherjee, learned advocate for the defendants/ opposite party nos.6 & 7 and Mr. Bhattacharya, learned advocate for the plaintiffs/opposite party nos. 1 to 5, oppose the application on the ground that the reason why Bachhu Ranjan Das/ petitioner should be added as a party to the suit, has not been disclosed in the application. Omnibus allegation that the plaintiffs and the defendants are colluding with each other, cannot be a ground. The petitioner should have demonstrated before the court how the addition is necessary for the ends of justice and for a just and fair decision in the suit.

I find from the order impugned that, the learned court did not take into consideration that the suit was filed in a representative capacity. Necessary leave was obtained by the plaintiffs when they filed the suit. Thus, the plaintiffs were conscious at the stage of filing of the suit that the said suit could not proceed at the instance of the plaintiffs alone and there were other persons whose interest would be affected if the proceeding continued.

Under such circumstances, the revisional application is disposed of by setting aside the order impugned and granting liberty to the petitioner/ Bachhu Ranjan Das to file a proper application with necessary pleadings.

Such application shall be filed within two weeks from date. A copy thereof shall be served upon the learned advocate on record for the defendants and the plaintiffs in the learned trial court.

Objections to such application shall be filed within two weeks from receipt of the copy thereof by the opposite parties, and the learned court shall decide the matter in accordance with law and dispose of the application within two months thereafter.

This court has not expressed any opinion on the merits of the issues involved.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)