

CO. 852 of 2026

19.03.26
D/L
SI-03
Ct. 06
(Samar)

Haren Modak
v.
Budhiswar Modak & Ors.

Mr. Avijit Ganguly,

....for the Petitioner.

1. This revisional application is directed against an order dated February 10, 2026 whereby the petitioner's application for recalling of the order dated January 17, 2025 has been dismissed.
2. The petitioner filed an application under Order 1 Rule 10(2) of the Code of Civil Procedure, 1908 seeking impleadment in Title Suit No. 144 of 2023 instituted by the opposite party nos. 1 to 4. Such application was rejected by an order dated March 24, 2025.
3. The petitioner, thereafter, filed an application seeking recalling of the said order. The said application has been rejected by the order impugned.
4. Learned advocate appearing for the petitioner submits that the petitioner is a necessary party to the proceeding inasmuch as the order passed in this proceeding will affect the petitioner's right in respect of the suit property.
5. Heard learned advocate appearing for the petitioner

and perused the material on record.

6. Title Suit No. 144 of 2023 has been filed by the opposite party nos. 5, 6 and 7 seeking declaration of their title to the suit property by way of adverse possession while alleging that the opposite party nos. 5 and 6 are seeking to “grab” the suit property. The petitioner also claims title over the same property by way of adverse possession. The petitioner does not have any grievance against the opposite party nos. 5 to 7 but the petitioner’s grievance is only against the opposite party nos. 1 to 4 who are the plaintiffs in Title Suit No. 144 of 2023.
7. If such be the case, it is not understood as to how can the petitioner can be a necessary party to the said suit. His presence is not necessary for the adjudication of the matter in dispute.
8. That apart, in the present revisional application the order dated March 24, 2025 passed by the learned Trial Court has not been challenged. No ground has been shown as to why recall of the order dated March 24, 2025 has been sought after 10 months by filing an application on January 19, 2026.
9. In such view of the matter, the order dated February 10, 2026 whereby the learned Trial Court has rejected the petitioner’s application for recalling of the earlier order dated March 24, 2025 cannot be said to be suffering from any illegality and material

or irregularity.

10. The petitioner's contention that, if any, order is passed in the said suit the same would affect the petitioner's right and any fresh suit filed by the petitioner would be barred by *res judicata* is also without substance inasmuch as the petitioner is not a party to the said suit.
11. For all the reason aforesaid, this revisional application is not entertained, CO. 852 of 2026 stands dismissed without any order as to costs.
12. It is clarified that this order shall not prevent the petitioner from taking appropriate steps and initiating appropriate proceedings in accordance with law.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)