

28.01.2026
Item No.35
BR

CO 909 of 2022
Nabadoy Club (Sangha) and Ors.
-vs-

Buddhadeb Chowdhury and Ors.

Mr. Subhajit Saha ,
Mr. Aniket Chowdhury,
... for the petitioner

1. The revisional application has been preferred challenging an order dated 5th March, 2022 passed by the learned 5th Civil Judge (Sr. Divn.) at Alipore in Title Suit No. 748 of 2021.
2. Vide the order under challenge the trial Court has allowed an application under Order 1 Rule 10 Clause 2 of Civil Procedure Code.
3. The contention of the petitioner herein is that the said order is not a speaking order and no reasons have been given by the trial Court as why the application has been allowed and as to why party has been added.
4. It is further submitted that there being no proper reasons provided as to why the person sought to be added as a parties the findings of the Court is as follows :

“ Now the case record is taken up for hearing of petition u/o 1 rule 10 CPC. It transpires from the petition under order 1 Rule 10 clause 2 CPC that applicant is praying for proper and necessary parties to be added in this suit. So, it is necessary for proper for proper adjudication of the matter, the particulars of the proposed addition of party should be added as party defendant in this suit.

While appreciating the desire of the plaintiff for adding necessary party as party defendant it would be just and proper to allow the same. As there seems to be no impediment in considering the same.”

5. None appears for the opposite party in spite of proper service. On perusal of the impugned order, this Court finds that the said order is not in accordance with law, as the same is without noting any reason and thus being not in accordance with law be set aside.

6. The application under Order 1 Rule 10 is restored and the trial Court is directed to hear the said application afresh and by passing a reasoned order dispose of the same in accordance with

law within 30 days from the date of communication of this order.

7. Civil revision 909 of 2022 stands disposed of.

8. Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)