

04.02.2026
Item No.29
Ct. No. 30
Aloke

CO 1037 of 2024

Santosh Roy
Vs.
Smt. Gauri Bagchi & Ors.

Mr. Prasanta Kr. Banerjee
Ms. Indrani Nandi
..for the petitioner

Mr. Prosenjit Mukherjee
Mr. Arghya Kamal Das
Ms. Manisa Mondal
Ms. Babita Pramanik
...for the opposite party no. 1

1. Affidavit-of-service filed be kept with the record.
2. The revisional application has been preferred challenging the order no. 29 dated 24.01.2024 in connection with Title Suit No. 320 of 2018, pending before the learned Civil Judge (Junior Division), 1st Court, Chinsurah, Hooghly.
3. On hearing the learned counsels for the parties, it appears from the impugned order that the petitioner/plaintiff herein had sought to add certain persons as defendants in the suit by way of an application under Order 1 Rule 10(2) of the Code of Civil Procedure which the trial Court was pleased to reject on the ground of oral submission made by the defendant/plaintiff that the said persons have already died.

4. Learned counsel for the petitioner submits that it was an oral submission and no documents were before the trial Court.

5. Admittedly, it appears that the submission of the petitioner herein has merit and no documents were filed before the trial Court in support of the contention of the defendant/opposite party herein.

6. In view of the said fact, the revisional application is disposed of with the impugned order being set aside, and the direction that the trial Court shall hear the application under Order 1 Rule 10(2) CPC afresh granting leave to the defendant to file the documents in support of his objection on affidavit before the Court.

7. The trial Court shall dispose of the application under Order 1 Rule 10(2) CPC, in accordance with law on hearing the parties, within 30 days from the date of communication of this order.

8. Civil revision stands disposed of.

9. Connected application, if any, stands disposed of.

10. Interim order, if any, stands vacated.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)