

17.02.2026
Item No.32
Court No.30
CHC

In The High Court at Calcutta

Civil Revisional Jurisdiction

Appellate Side

C.O. 3288 of 2024

Smt. Jayanti Bose Tarafdar

Vs.

Smt. Banani Bandopadhyay & Ors.

Mr. Amit Baran Dash, Advocate

Ms. Ankana Sarkar, Advocate

...for the petitioner

Ms. Sweta Mukherjee, Advocate

...for the opposite party no.7

1. The revisional application has been preferred challenging order no.23 dated 19.08.2024 passed by the Learned Additional District Judge, 13th Court, Alipore, South 24 Parganas in Other Suit No.06 of 2014.
2. Vide the impugned order the learned Trial Court has been pleased to direct as follows;

“In the circumstances, I do find that the petition of petitioner dated 07.06.2016 is a necessary party to this suit and in his absence no logical conclusion of this suit can be arrived at. Accordingly, the petition under Order 1 Rule 10(2) CPC dated 07.06.2016 is considered and allowed.

The petitioner Sambhu Nath Mitra is hereby added as defendant to this suit.

Thus, the petition dated 07.06.2016 is disposed of.

As before adding him as defendant Sambhu Nath Mitra on previous occasion

ie, on 18.05.2024 filed some petition including vacating ex parte proceeding order are infructuous as because he at that time has no right to prepare such petition. Accordingly, added defendant Sambhu Nath Mitra is directed to take fresh steps.

In view of observation made in above as to the status of Sambhu Nath Mitra on 18.05.2024 I do find the petition filed by plaintiff under Section 151 CPC for recalling order dated 18.05.2024 and rejection of all petitions filed by Sambhu Nath Mitra is infructuous and are rejected.

Fix 21.11. 2024 for taking steps, if any, by added defendant Sambhu Nath Mitra.

D/C by me.

*Addl. District Judge
13th Court, Alipore.”*

3. Being aggrieved the revisional application has been preferred.
4. The plaintiff/petitioner who has challenged the order submits that, the said opposite party Sambhu Nath Mitra who has been added as party in the probate proceeding is a third party and it is stated that he has been added without any reasons being shown. Judgments in support have been relied upon.
5. Learned counsel appearing for the said opposite party, Sambhu Nath Mitra has filed documents to show that the Will which was probated in favour of the plaintiff/petitioner herein was revoked by way of a

registered document. Subsequently, a fresh Will was executed in favour of Sambhu Nath Mitra and as such, it is submitted that Sambhu Nath Mitra is a necessary party.

6. On hearing the parties and on considering the materials on record, this Court finds that, opposite party claims right in the probated property which as per their case has been bequeathed to them after the Will which was executed in favour of the petitioner herein was revoked by way of registered deed. Accordingly, this Court finds that the impugned order requires no interference and is affirmed.
7. Civil revision being C.O.3288 of 2024 stands dismissed.
8. Trial Court to proceed expeditiously with the suit.

(Shampa Dutt (Paul), J.)