

IN THE COURT OF MUNSIF, BALLIA, BEGUSARAI

T.S. NO. 27/2009

Reg No. 27/2009

Date of Order	Md. Parvez Rahman..... plaintiff Versus Md. Waqurazzama Yazdani & Others....Defendants Ld. Counsel for Plaintiff- Md. Sanaur Rashid Ld. Counsel for Defendant - Sri Rajeev Ranjan	Remarks
<u>17.10.2022</u>	This order is in respect of petition filed by the plaintiff under Order-1 Rule-10 (2) C.P.C read with sec-151 of C.P.C on dt. 12.04.22 and no rejoinder on behalf of defendant filed. However no objection was mentioned on plaintiff petition dt.12.04.22. Ld.Counsel on behalf of Plaintiff argued before the court that Md. Parvez Rahman was the sole plaintiff of this suit who died on 31.12.21 leaving behind his legal heirs. Ld. Ld.Counsel on behalf of Plaintiff argued before the court that legal heirs are necessary party for adjudication of suit. So, for the ends of justice legal heirs of plaintiff to be made party to the suit. Heard and perused the entire material available on the case record. On perusal of the case record, it becomes evident that the plaintiff has filed the application for adding legal heirs of deceased sole plaintiff Md. Parvez Rahman, who was the sole plaintiff of this suit and he died on 31.12.21 Order 1, Rule 10(2) postulates that: "Court may strike out or add parties.- The Court may at any stage of the proceedings, either upon or without the application of either party, and on such term as May appeared to the Court to be just, order that the name of any party improperly joined whether as plaintiff or defendant, be struck out, and that the name of any person who or to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit be added". From perusal of the entire case record, it transpires that this case is filed for the right title over the suit land. Moreover, U/O-1 Rule 10 specifically enables that the court to add any person as party at any stage of the proceedings, if the person whose presence before the court is necessary in order to enable the court	

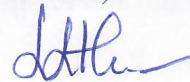
effectively and completely adjudicate upon and settle all the question.

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17.10.2022

In the result considering the aforesaid discussions, the court is of considered opinion that prayer of petitioner donot suffers from any shortcomings rather it is liable to be accepted. It is necessary and in the interest of justice the name of legal heirs of deceased plaintiff to be allowed. Hence legal heirs namely 1.(a) Parween Naz, 1.(b) Nayla Parween, 1.(c) Shaista Parveen, 1.(d) Alqama Parveen, 1.(e) Saniya Parveen are added as party to suit. Moreover, the office clerk is directed to make an effect to this order at instant. Hence, the petition filed by the petitioner is hereby disposed of without any cost.

(Dictated)



Lakshmi Nath
Munsif

Ballia, Begusarai

17.10.2022