

T.S. 393 of 2022
CIS – 3932 of 2022

Order No.13

Dated: 11.11.2024

Today is fixed for passing order in respect to the petition under Order 22 Rule 10 of CPC filed by Sri Abhished Singha Roy.

Both parties filed hazira.

Plaintiff files an application u/s 151 of CPC for extension of ad interim order of injunction.

Heard the Ld. Advocates for both the sides on earlier occasion.

The defendant has not filed any WO against the petition.

Perused the petition and other materials available on record.

Considered.

The petitioner has stated that the plaintiff of this suit had transferred the entire suit property i.e. the 'A' schedule property of the plaint in favour of his son Sri Avhisek Singha Roy i.e. the petitioner by virtue of a deed of gift being no. 16685 for the year 2022. Hence, the petitioner prays for adding his name as the plaintiff in place of the present plaintiff in this suit.

The petitioner, in support of this petition submit a certified copy of deed of gift from where it appears that the plaintiff of the suit has transferred the property in favour of her son, Sri Avhisek Singha Roy.

In this regard, it is worth to mention the provision of Order 22 Rule 1 of CPC, which reads as follows-

“Procedure in case of assignment before final order in suit- (1) In other cases of an assignment, creation or devolution of any interest during the pendency of a suit, the suit may, by leave of the Court, be continued by or against the person to or upon whom such interest has come or devolved.”

Therefore, in light to the provision of Order 22 Rule 10 of CPC and considering the petition and the gift deed submitted by the petitioner, this Court is inclined to allow the present prayer of the petitioner.

Hence, it is

ORDERED

that the present prayer of the petitioner under O. XXII Rule 10 of the CPC is hereby considered and allowed on contest, without any order as to cost.

Let the petitioner be added as the plaintiff in this suit.

DA is directed to do the necessary.

Ad interim injunction order is extended till next date.

Fixing 16.01.2025 for hearing of injunction petition.

D/c by me.

Civil Judge (Jr. Divn.),
2nd Court, Barrackpore