

P.S 84/15; Reg. no.84/15

Order no. 14 dated 01.06.18

Today the date is fixed for hearing of the petition dt.18.03.2017 and steps upon defendants no.2 and 11.

Ld Advocate for the plaintiff and defendant nos. 4, 5, 7, 9 and 10 are present by filing their respective haziras.

On perusal of the case record, it appears that the plaintiffs had filed three petitions under Order 11 Rule 1, under Order 1 Rule 10(2) and expunge petition. Therefore, in the above circumstances, it appropriate firstly to dispose of the petition under Order 11 Rule 1 CPC.

Now the record is taken up for hearing of the petition Order 11 Rule 1 of the Civil Procedure Code.

Learned advocate for the plaintiff submits that as the defendant no. 4, 5, 7, 9 and 10 have stated in thier written statement that the suit is bad for non-joinder and misjoinder of necessaryt parties. Therefore, in order to know as to who are the necessary parties to be required to be impleaded in the suit and the details of the other properties which are required to be mentioned in the present suit, the Ld Advocate for the plaintiff has filed the instant petition for discovery by interrogatories. He wants to know as to who are the interested and necessary parties to the suit property and their names and addresses as well in detail.

On the contrary, Learned advocate for the defendants raised no objections

Hearing Learned advocate for both sides, perusing the record, perusing the petition, I am, of the opinion that that interrogatories can be asked with regard to what is stated in the written statement to support and substantiate ones case. The non joinder and misjoinder of parties is an important question for it is a matter which is relevant to the matters in question in the suit. In view of the above facts and in the ends of justice the petition of the plaintiff under Order 11 Rule 1 is considered and allowed.

To 20.08.2018 for answer to the interrogatories by the Defendant no. 4, 5, 7 and 9.

Sd/-

Civil Judge (Jr. Divn.)
Gangarampur at Buniadpur,
Dakshin Dinajpur,
01.06.18.

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