

Title Suit - 31 of 2024

Order No.08 dated 04.07.2025

Today is fixed for hearing of petition dated 18.07.2025 filed by the plaintiff No. 1 and proforma defendant No. 9.

Plaintiff No. 2 filed hazira along with adjournment petition which was not pressed later on.

Plaintiff No. 1 filed hazira.

Defendant Nos. 1 to 5 filed hazira.

Defendant Nos. 6, 7 and 8 filed adjournment petition.

Now both the expunge petitions dated 18.07.2025 is taken up for hearing.

Heard the Ld. Advocate of the plaintiff No. 1 and proforma defendant No. 9 who stated that they do not have any claim against the defendant Nos. 1 to 5 as because their father has already sold the suit property to one Mahayamaya Debi by virtue of the registered deed being No. 4008/1957 dated 14.06.1957. As such the plaintiff No. 1 and the proforma defendant No. 9 do not have any right, title, interest over the suit property Hence, the plaintiff prays for expunging the name of the plaintiff No. 1 and proforma defendant No. 9 from the cause title of the plaint.

Ld. Advocate for the defendant did not raise any objection.

Ld. Advocate for the plaintiff No. 2 did not raise any objection.

Perused the instant application.

Considered.

The plaintiff No. 1 and proforma defendant No. 9 has stated on affidavit that the plaintiff No. 1 and the proforma defendant No. 9 are not the necessary party to the suit as they do not have any right, title and interest over the suit property as their father has transferred the property to one Mahayamaya Debi by virtue of the registered deed being No. 4008/1957 dated 14.06.1957 and as such they have no claims against the defendants. So this Court finds no impediment allowing the petition for expunge. Let the name of the plaintiff No. 1 and proforma defendant No. 9 be struck out from the cause title of the plaint.

Hence, it is

ORDERED

that the two applications dated 18.07.2025 are hereby allowed on contest and disposed of without any order as to costs.

The adjournment petition filed by the defendant No. 6, 7 & 8 is hereby rejected as because several opportunities have been given to the defendant No. 6, 7 & 8 for filing WS but they failed to file the same. The statutory period for filing of the WS is over as they have appeared on 18.07.2024. So the suit will proceed ex parte against the defendant Nos. 6, 7 & 8.

DA is directed to make the aforesaid modification to the cause title in red ink.

To 18.09.2025 for hearing the injunction application.

D/C by me

C. J. (Jr. Divn.)
Amta, Howrah

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