

Partition Suit No. 338 of 2021

Order No. 15 dated 20/12/2024.

Today is fixed for hearing of the petition dt.17.03.2022 filed by defendant no.4 praying for transposition of herself from the category of the plaintiff to the category of defendant along with hearing of another petition dt.10.01.2024 filed by the plaintiff under Order 1 Rule 10(2) of Civil Procedure Code praying for addition of new parties.

Plaintiff is present by filing a petition supported by an affidavit, praying for extension of the ad-interim order of injunction.

Defendant no.1 and 6-9 filed hazirah through Advocate.

It appears that service upon defendant no.2-5 and 10 and 11 have not yet been completed.

Plaintiff is directed to take fresh steps (through post only) against defendant no. 2-5, 10 and 11.

Now, the prayer of defendant no.4 praying for transposition of herself from the category of defendant to the category of plaintiff is taken up for consideration.

Heard learned Advocate for the plaintiff as well as defendant no.4.

Learned Advocate of both the parties raised no objection.

Accordingly, the prayer of defendant no.4 to transpose as the plaintiff is considered and allowed.

Accordingly, defendant no.4 namely Tandra Rani Ghosh is hereby transposed into the category of plaintiff and added as plaintiff no.2 in this suit.

Now, the petition dated 10.01.2024 filed by the plaintiff under Order 1 Rule 10 (2) of Civil Procedure Code is taken up for consideration.

Heard learned advocate for both the parties. Perused the petition.

Learned Advocate for the plaintiff submits that during pendency of the suit the defendant no.3 has transferred his share in favour of the proposed parties to the suit for which they are required to be added as necessary party.

Learned advocate for the defendants not raised any objection.

Considering the facts and circumstances as revealed from the submission of learned Advocate of both the parties as well as the materials found from the petition, I do inclined to allow the petition filed by the plaintiff under Order 1 Rule 10(2) of Civil Procedure Code.

Accordingly, the persons namely **Humayun Kabir, Md. Samayan Ali and Dhruba Das** (whose details are given in the petition) are added as defendant **no. 10 to 12** to the present suit.

Consequently, the serial number of proforma defendant namely State of West Bengal and Block Land and Land Reforms Officer, Lalgola are renumbered as proforma defendant no.13 and 14.

Contd.....

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Contd..... dated 20/12/2024.

Plaintiff is directed to take necessary steps against said added defendants.

It appears that there is no ad-interim order of injunction presently in force in this case and accordingly, the prayer for extension of ad-interim order of injunction is considered and rejected, being misconceived.

Fixed **05.05.2025** for awaiting S/R and appearance of the original defendant no.2, 3 and 5, added defendant no.10-12 and renumbered proforma defendant no.13 and 14.

Plaintiff is directed to file an amended plaint on next date positively

D.A to note in the cause title of the original plaint.

**D & C by me
CJSD, Lalbagh**

**Sd/- Gourab Ghosh,
Civil Judge (Senior Division)
Lalbagh, Murshidabad, W.B
J.O.Code: WB01100.**