

IN THE COURT OF DISTRICT JUDGE,
SOUTH 24-PARGANAS AT ALIPORE

Misc. Case No. 142 of 2022

Present : Sri Himanil Bhattacharjee (WB01082) District Judge-in-charge,

Order No. 25, dated 11.03.2026

Today is fixed for hearing of the entire matter along with the application under Order 1 Rule 10 C.P.C.

Parties have filed their respective haziras.

The record is taken up for hearing.

Heard both sides. Perused the materials available on record and considered.

Ld. Advocate for the petitioner/intervenor in respect of the petition under Order 1 Rule 10 read with Section 151 C.P.C has submitted that the instant case is not maintainable as the case is in respect of the private Trust. However, without being added as a party, he is not in a position to raise such point. The contention of the said petitioner/intervenor is that he is a tenant in the trust property and accordingly he has some sort of interest in the trust property. Accordingly, he can be added as party to this proceedings. In this regard, Ld. Advocate of the petitioner has relied upon the Judgment of the Hon'ble High Court at Calcutta reported in **2013 (2) CHN (CAL) 62** wherein the Hon'ble Court in a similar matter allowed the intervenor to be added in the proceedings as a party for effective adjudication.

Ld. Advocate of the main petitioners has opposed the instant petition by stating that the instant intervenor has no such right in respect of the Trust property and he is not a necessary party to this proceedings. However, he has left the matter to the discretion of the Court.

On perusal of the materials available on record, I find that since the intervenor is claiming to be a tenant in respect of the trust property, he is a

proper party though not a necessary party to this proceeding. The main petitioners will not be prejudiced if the prayer for adding intervenor as party is allowed.

Accordingly, I am inclined to allow the instant petition on contest without any costs.

Let the intervenor be added as Opposite Party to this proceeding.

OP is directed to file W/O, if any by the next date fixed.

It appears from the order dated 17.01.2025 that one of the petitioners might have expired.

Petitioners are directed to take necessary steps in this regard.

Fix 18.05.2026 for steps by the petitioners, W/O if any in the meantime by the OP.

Dictated & corrected by me,

Sd/-

District Judge, I/c

Sd/-

District Judge, I/c