

OS 07/2019

Reg. 03/2015

Present- Sri B. Lama, ADJ, F.T.C-I, Sealdah.

Order no. 46

12.09.2023

Today is fixed for hearing of the suit. Parties file respective hazira. At this stage, the Ld Advocate for the defendants submits before the Court that petition dated 28.01.2021 and 04.03.2023 are lying pending and as such the said petitions are required to be disposed of prior to hearing of the suit.

Ld Advocate for the plaintiff also admits the submission made by Ld Advocate for the defendants and submits that he is ready for the hearing of petitions under consideration.

Accordingly, the record is taken up for consideration of petition presented on 04.03.2021 only as petition presented on 28.01.2021 stands rejected being not pressed by the Ld Advocate for the plaintiff.

Ld Advocate for the plaintiff submits before the Court that Jahendra Roy and Jitendra Prosad Roy have appeared in the present suit by filing vokalatnama but their names are not included in the cause title of the application for grant of probate and as such their names are required to be incorporated in the cause title of the application for grant of probate. The Ld Advocate for the plaintiff further submits that the name of Rati Mohan Sharma, who is a necessary party, is required to be impleaded as necessary party in the cause title of the application for grant of probate.

The Ld Advocates for the defendants raised formal objection but did not specify any ground of their objection.

Having heard the submissions of Ld Advocates for respective parties, facts and circumstances of the present suit and necessity for incorporation of names of the parties as necessary party, I am inclined to allow the petition filed by the plaintiff for incorporation of names of Jahendra Roy, Jitendra Prosad Roy and Roti Mohan Sharma in the cause title of the application for grant of probate being the necessary party as their presence are absolutely required for proper of adjudication of suit in hand.

Accordingly, their names be incorporated in the cause title of the application for grant of probate.

The plaintiff is directed to file amended application for grant of probate and also to cause service of summons upon added defendant namely Roti Mohan Sharma at the earliest opportunity. There is no necessity to serve notice upon added defendant namely Jahendra Roy and Jitendra Prosad Roy as they are already on record.

Fix **15.12.2023** for SR and AD in respect of added defendant namely Roti Mohan Sharma and further order. Thus, the petition dated 04.03.2021 stands disposed on contest.

D/C

Bikash Lama

J.O. Code WB00935

ADJ, F.T.C-I

Sealdah, 24PGS (S).