

T.S.-48/2010 (R-10/15)

Order No.159 Dt.19.04.16

Today is fixed for hearing petition U/o 1 rule 10(3) of CPC read with Section 151 CPC filed by the plaintiff praying for addition of defendant-3(e) to 3(h) being the rest legal heirs of the deceased Sk. Saukat.

The contention of the petitioner is that in the course of cross-examination of DW-1, names of one son and three daughters of Sk. Saukat were revealed and by the instant petition, the petitioner is intending to incorporate their names as defendants. Contesting defendants did not file any written objection but verbally opposed the petition. Ld. Advocate contended that this is the last attempt from the side of the plaintiff to drag the suit. They further contended that this petition is an after thought and there is no such son of Sk. Saukat in the name so stated in the schedule to the petition and he is filing an affidavit to that effect. They submit that if this petition is allowed, they will be prejudiced for the benefits and advantages they accrued by conclusion of the trial. They further submit that they are not intending to adduce any further evidence from their side and prayed for rejection of this petition and fixing a date for argument.

I have gone through the petition and considered the submission of both sides. The evidence of both sides have already been completed. It appears from the petition of the petitioner that without believing or having faith on their own materials on record, plaintiff is trying to add certain person on the basis of the evidence of the defendants. If this petition is allowed, the defendant will definitely suffer as they have accrued some benefits during the trial. Court cannot grant any opportunity to any party to the suit at the cost of the other. There is a direction of the Hon'ble High Court for disposal of this suit. This attempt appears to be a last chance to delay the proceeding of the suit.

On the basis of the above observation, prayer of the petitioner is rejected.

Fixing 04.05.2016 for argument.

Typed by me

Judge.SCC, Sealdah

Judge. Small Causes Court

Sealdah