

T.S. 43 OF 2022  
**Reg. 40 of 2022**

**JO Code: WB01068**

**Order No. 44**

**Date: 23.09.24**

Today is fixed for hearing.

Ld advocate on behalf of the plaintiff and defendant no. 1 file their respective hazrias.

The petitioners file hazira.

The plaintiff has filed a WO against the petition under 1 rule 10 of CPC read with section 151 CPC .

The petition under 1 rule 10 of CPC read with section 151 CPC dated 28.02.2024 is taken up for hearing.

Heard both sides.

Perused the petition, documents filed by petitioners and other materials on record.

During hearing ld advocate for the petitioners have submitted that the petitioners are co-sharers of the suit property and so they are necessary party in this suit.

Ld advocate submitted that the petitioners predecessor in interest purchased some portion of the suit property by virtue of a sale deed and so the petitioners should be impleaded in this suit. Ld advocate relied on a judgment of Hon'ble High Court, Calcutta cited in 2023 ICC 178(Cal) where it was observed by Hon'ble High Court that Court is empowered to add anybody as party his presence is necessary to enable the court to completely adjudicate upon and settle all the question involved in the suit.

On the other hand ld advocate for the plaintiff raised strong objection against the petition by filing a WO. Ld advocate submitted that the names of the petitioners or their predecessor in interest are/is not appearing in the ROR and the present petitioners have no right, title interest over the suit property.

On hearing and perusal it appears that the petitioners have filed a certified copy of the deed being no. 7979 of 1965 and claim that their predecessor in interest purchased a portion of the suit property and they are the legal heirs of their predecessor in interest. A record of right is a not a document of title, so the contention of the plaintiff is not tenable on that ground.

In such facts and circumstance and in view of the observation of Hon'ble High Court in the above mentioned judgment the petition of the petitioners under 1 rule 10 of CPC read with section 151 CPC dated 28.02.2024 is considered and allowed.

To 13.01. 2025 for compiled plaint and steps.

D/C by me

Sd/-

ACJM-cum-CJSD, Kakdwip

Sd/-

ACJM-cum-CJSD, Kakdwip