

JO Code: WB01068

Order No. 41

Date: 31.07.25

Today is fixed for hearing petition u/o. 8 R. 9 of CPC dated 02.07.2024.

Ld advocate on behalf of the plaintiffs no. 1 to 2 files hazira.

Ld advocate on behalf of the defendants no. 1 to 3, 5 and 6 file two separate haziras.

The petition u/o 8 R. 9 of CPC dated 02.07.2024 filed by defendants no. 1 to 3 is taken up for hearing.

Heard both side.

Ld advocate for the defendants submitted that the defendants challenged the execution of the arpanama deed dated 11.03.1974 on the ground that during said period the defendant no. 1 was minor and his signature/LTI was forged. Ld advocate further submitted that the WS contains the fact of challenging said deed in summery. So this fact cannot be said a new fact and the plaintiff shall not be prejudiced if the additional WS be accepted.

On the other hand ld advocate for the plaintiff raised strong objection on the ground that on the date 11.03.1974 two other deeds were executed where the said defendant no.1 was not shown as minor.

On hearing and perusal it appears that the defendants want to challenge the deed no. 868 of 1974 on the ground that the defendant no. 1 was minor at the time of execution of said deed. The defendants mentioned the point of his objection against the said deed in his WS and by filing the additional WS the defendants have explained the fact in details. I also find that no new fact is introduced in the additional WS.

In such circumstance I am inclined to allow the additional WS filed by defendants no. 1 to 3 dated 02.07.2024.

Hence, Additional WS filed by defendants no. 1 to 3 dated 02.07.2024. is hereby accepted.

The part treat petition of the WO of the injunction petition dated 02.07.2024 filed by defendants no. 1 to 3 is also accepted.

To 11.09.2025 for rejoinder, if any by the plaintiffs and steps.

D/C by me

Sd/-

Sd/-

ACJM-cum-CJSD, Kakdwip

ACJM-cum-CJSD, Kakdwip