

Item No. 61

Ct 09

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10.06. 2026

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

SA 11 of 2023

With

IA NO: CAN 2 of 2021

CAN 3 of 2023

CAN 4 of 2023

Bankim Behari Mahato

Vs

Sri Raj Kumar Mahato & Ors.

Mr. Jahar Lal Ray,
Ms. Kavita Rani

... for the appellant.

Mr. Sukanta Das.

... for the respondents.

Learned advocates for the parties are present.

The applicant has taken out an application being CAN 3 of 2023 for deleting the name of appellant, Bankim Behari Mahato, and to implead himself being the assignee of the said appellant with regard to the suit property. The applicant has further taken out an application being CAN 4 of 2023 under Order I Rule 10(2) of the Code of Civil Procedure for addition of party in this appeal being SA 11 of 2023.

Heard learned advocates for the parties.

Mr. Sukanta Das, learned advocate for the respondents submits that without the abatement being set aside the applicant cannot be impleaded in a

suit which has already abated. Learned advocate for the applicant prays for necessary leave to make rectification in the prayer of both the petitions.

Thus, leave is granted to the learned advocate for the applicant to make necessary rectification and addition in the prayer of both CAN 3 of 2023 and CAN 4 of 2023.

Upon considering the provision Order I Rule 10(2) of the Code of Civil Procedure and the provision contained in Order 22 Rule 10 of the said Code, this Court is of the view that these applications should be allowed.

Thus, **CAN 3 of 2023** and **CAN 4 of 2023** stand allowed.

The name of the sole appellant Bankim Behari Mahato be deleted from the cause title of the memorandum of appeal and the name of the applicant be impleaded in his place and stead.

The Department is directed to carry out the amendment within two weeks.

Liberty to mention.

(Biswaroop Chowdhury, J.)