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District North 24 Parganas.

In the Court of Mr. J. A. D. J. at Barasat.

T. A - 36/12

Tarun Kumar Das

vs -

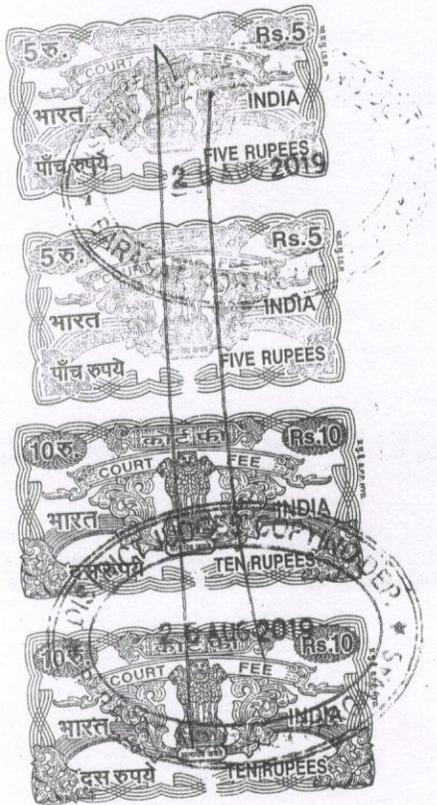
Arati Dey Saha.

Petition No - 11685

Dated -

Assessment - 26-8-19

E-105



Checked by

3rd Addl J

897
4 11685
9/8 = 2.2

Title Appeal No.36 of 2012

Order No.62
dated 10.09.18

Today is fixed for passing Order.

Record is taken up for passing Order.

By filing a petition under Order 22 Rule 10 read with Section 151 of CPC, the petitioners have prayed for adding them as party defendants in the suit and also in the Title Appeal on the ground that they have purchased the suit property from the original defendant No.1 namely Arati Das, since deceased, as now represented by her legal heirs being defendant Nos.2 & 3 by a registered deed of transfer dated 05.04.2013. They have come to know about the suit in the month of 2018 and thereafter on enquiry they have gathered the particulars of the suit as well as the Title Appeal.

No written objection has been filed against the said petition.

Another application has been filed under Order 1 Rule 10 read with 151 of CPC filed by the Appellant with the same prayer of adding Birendra Kumar Chopra and Ravindra Kumar Chopra as Respondent in the present Appeal.

Respondent No.3 has filed written objection with a prayer for rejection of the application on the ground that nothing has taken place during the pendency of the suit and as such, they cannot be added as party respondents and if any transaction has been made by Arati Das during her life time in favour of the alleged two persons who were not party in the suit. They cannot be added as party in the instant Appeal. If they are added party then the respondent will be highly prejudiced and there will be change in the nature and character of the suit.

Perused the materials of the record and the applications and objections.

It appears that the instant Appeal has been preferred against the Judgment and Decree passed by the Ld Court below in Title Suit No.205 of 2010 on 24.04.2012. The suit property was transferred by Arati Das on 05.04.15 ie after passing of the Judgment. Until and unless the Judgment is set aside it subsists. Therefore, the transaction which had taken place is not illegal. As such, these two petitioners namely Ravindra Kumar Chopra and Birendra Kumar Chopra are necessary parties in the present Appeal which is the continuation of the suit.

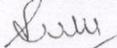
Under the circumstances, both the petitions are allowed.

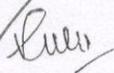
Ravindra Kumar Chopra and Birendra Kumar Chopra be added as respondent No.4 & 5 in the present Appeal. Amend the cause title to that effect and note in the register.

Appellant is directed to file fresh Memo of Appeal by the date fixed.

Fix 04.01.2019 for hearing the application under Order 6 Rule 17 of CPC and U/s. 151 of CPC for amendment of injunction application.

Dict.& corrected by me,


3rd Addl. District Judge


3rd Addl. District Judge
Checked Barasat.



11



T.A 30/12 (119/14)

E 3
11/12/18.

dep dt 4.5 hrs on put up
film on large in on ph up 39-24 etc
copy done?

Indali is 4/1/19 for being up by
appellant.

Kew
Judge

E 4
7/1/19.

dep dt. bills sept and lawyers
appellant to be a film on adjustment
done in a house?

Dep 16/3/19 for hearing film up 5-21 E etc.
and film up 39-24 etc.

Kew
Judge

up
Kew,

Next 25/18

E 1
14/1/19.

Dep- bills lawyer
Dep 23/4/19. by G/A.

Kew
Judge

T.A 30/12 (119/14)

E 2
~~10/3/19~~
10/3/19.

TR is to be done. Appellant and receipt
of bills sept and lawyers. Appellant bills
amount of amount of appeal, with agent
film up 39-24 etc and 151 film for receipt and
amount of appeal. Appellant

Dep 6/4/19. to be film up 5-21 E at film up 39-24
etc

Kew
Judge

Checked by



T.A. 36/12 (119/13)

63
6/4/19

Dr. is on leave. Paveis & de launias
Rd 27/5/19 for help from up b-RIT car
and from up 39-R4 etc.

Judge's

Mezi 125/16

64
23/4/19

Dr. is on leave. Bchi & de launias
Rd 09-8-19 to 2/10.

Judge's

T.A. 36/12 (119/14)

64
27/5/19

Dr. is on leave. In view of absence
of Local Bone Association.

Rd 31/7/19 for help from up b-RIT car
from up. 39-R4 etc.

Judge's

60
31/7/19.

Paveis & de launias. Debt on top of
Order of High Court passed on 18/7/19 in co-
-1771/19. When High Court has been pleased
to direct the court to dispose of appeal
within six months. Forward the copy of
order up. b-RIT car at from up 39-R4 etc
are taken up for help to. Paveis
Rd 17/8/19 to passing order

Kum
Judge



Mix Case - 12/5/18

bb
9/8/19.

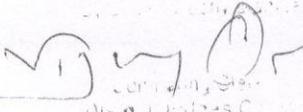
Debt to the highway. v. SR/AS
in secret 2

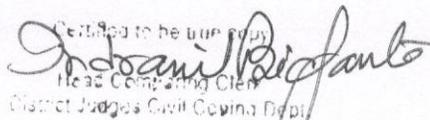
Due 9/9/19 for SR/AS

Done,
Judge

Checked by




26/8/19
d/c

Certified to be true copy

Head Copying Clerk
District Judges Civil Copying Dept.
North 24 Parganas, Barasat
26/08/19