

**(1917) 12 CAL CK 0028**  
**In the Calcutta High Court**

Guru Prosanna Lahiri and Others

APPELLANT

Vs

Munshi Samiruddin Sarkar and Others

RESPONDENT

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**Date of Decision :** 17-12-1917

**Acts Referred:**

**Citation :** 44 Ind. Cas. 465

**Hon'ble Judges :** Teunon, J;Newbould, J

**Bench :** Division Bench

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### Judgement

1. These 15 Rules arise out of 15 suits for arrears of rent instituted three in the Court of the Subordinate Judge and twelve in the Court of the Munsif of Goalpara. The suit is brought by the admitted landlord and as instituted was against one of the heirs of the original tenant, a person of the name of Taripat who died in 1316. The heirs other than the original defendant being eight in number, two sons of Taripat and six female heirs applied that they should be added as parties to the suit. Their application was opposed by the plaintiff mainly apparently on the ground that the original defendant, the eldest son of Taripat, was the person whose name was recorded in his sherista. But in dealing with the application of the remaining heirs the Courts below have found that they are in fact heirs of Taripat and are in possession equally with the first defendant in the holdings in question. On these facts we are unable to distinguish these cases from the case of Basli Bibi v. Hanif-ud-Din 6 Ind. Cas. 570 : 12 C.L.J. 267 and though speaking for myself I am not prepared to say that the added defendants were strictly necessary parties to the adjudication of the questions that arise between the plaintiff and defendant No. 1, yet in view of the decision to which we have referred we are unable to say that the Courts below have exercised their discretion improperly by adding the co sharer tenants of the holdings as parties to these suits. In this view these Rules are discharged with costs. We assess the hearing fee at the aggregate sum of five gold mohurs.