24.09.2026

Court No.32

DL/Item No.–**2**
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IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction
Appellate Side

C.O. 89 of 2026
(Assigned)

Harsh Vardhan Lodha
versus
Belle Vue Clinic & Ors.

Mr. Abhrajit Mitra, Sr. Adv.,
Mr. Jishnu Chowdhury, Sr. Adv.,
Mr. Debanjan Mondal,
Mr. Soumya Roy Chowdhury,
Mr. Sanjiv Kumar Trivedi,
Mr. Satadeep Bhattacharjee,
Mr. Sanket Sarawgi,
Mr. Altamash Alim,
Mr. Samiriddha Sen,
Ms. Sriparna Mitra
....for the petitioner.

Mr. Krishna Raj Thaker, Sr. Adv.,
Mr. Debartha Chakraborty,
Mr. Iftekar Munshi,
Mr. Sagar Dutta
....for the opposite party nos.1 - 3.

Mr. Aniruddha Chatterjee, Sr. Adv.,
Mr. Suddhasatva Banerjee,
Ms. Siddhi Agarwal
....for the opposite party nos.4 - 8.

Mr. Ranjan Bachawat, Sr. Adv.,
Mr. Sarvapriya Mukherjee
Mr. Sayan Roy Chowdhury,
Mr. Satyaki Mukherjee,
Mr. Bhavesh Garodia,
Mr. Aman Agarwal
....for the respondent no.9.

The peculiar facts and circumstances of this case has persuaded the parties have agree to a consensus order after the hearing had taken place for several days.

The two sets of plaintiff that is the original plaintiff (opposite parties no.4-8) and the added plaintiffs

(opposite parties no.1 to 3) agree that the order impugned dated 18th December, 2025 by which the opposite party nos.1, 2 and 3 in this revisional application were added as plaintiffs by the Trial Court be set aside without this Court going into the merits of the application or the reasons cited in the order impugned.

The petitioner, in this revisional application, being the defendant no.1 in the suit also agrees to a remand of the matter for fresh hearing of the application for addition of party by setting aside the order impugned dated 18th December, 2025.

In the aforesaid facts and circumstances considering the submissions made by the parties, the order dated 18th December, 2025 is set aside without going into the merits of the matter or the reasoning given by the learned Trial Judge while passing the order impugned. The added plaintiffs, being the opposite party nos.1, 2 and 3 shall move their application for addition of party before the Trial Court now seisin of the suit on merits with due notice to the petitioner (defendant in the suit) and the plaintiff (opposite party no.4-8).

The petitioner is precluded from raising the point at the time of fresh hearing that the application for addition of party made by the opposite party nos.1, 2 and 3 was moved before the Court at Alipore without serving the petitioner a copy thereof.

Although, a copy of the application has been subsequently made available to the petitioner, but by way of abundant caution, let a copy of the application for addition of party be served on the defendant and the original plaintiffs in the suit.

The petitioner, original plaintiffs and all the defendants shall be entitled to use an affidavit-in-opposition against the application for addition of party by 13th October, 2026 and serve a copy thereof upon the opposite party nos.1, 2 and 3 and/or their advocate by 15th October, 2026.

The opposite party nos.1, 2 and 3 shall be entitled to use a reply by 13th November, 2026.

The parties shall mention the matter before the Trial Court or the charge court for the application for adding of party filed by the opposite party nos.1, 2 and 3 to be taken up for final hearing.

It is made clear that this Court has neither gone into the merits of the application for addition of party nor are the technical grounds raised in the matter taken into consideration while passing this order.

It is also made clear that on the order dated 18th December, 2025 being set aside, the added plaintiffs being the opposite party nos.1, 2 and 3 in this application will not be entitled to an audience in the pending appeal before the District Court at Alipore arising out of the injunction order passed in the injunction application filed by the original plaintiffs

(opposite parties no.4-8) unless they are added prior to the final order being passed in the said pending appeal.

The application for addition of parities shall be disposed of preferably within a period of three months from 13th November, 2026. The appeal shall be disposed of within four months from the date of communication of this order.

C. O. 89 of 2026 is accordingly disposed of.

Needless to mention, that the interim order passed by this Court in the instant revisional application stands discharged and/or vacated.

All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

(Arindam Mukherjee, J.)