

25 22.12.2021

gd/ssd

MAT 403 OF 2021
IA NO: CAN/1/2021
PRABIR KUMAR GANGULY
VS
ANUP KUMAR GANGULY AND ORS.
(Through Video Conference)

Mr. Atis Kr. Biswas,
Mr. Suman Chakraborty
..for the Appellant

Mr. Rajendra Chaturvedi
..for the Municipality

Mr. Haradhan Banerjee,
Mr. Amitava Pain
..for Intervenor

By this appeal one of the private respondents in WP 15661(W) of 2017 has challenged the interlocutory order dated 04.03.2020 whereby the learned Single Judge has allowed the application for impleadment of additional respondents as 3A and 3B.

Submission of learned counsel for the appellant is that in the affidavit-in-opposition filed before the learned Single Judge by the appellant, he had raised an objection about non-joinder of necessary parties and in affidavit-in-reply the writ petitioner had opposed it, therefore, the prayer for non-joinder of parties could not have been allowed.

Having examined the record, we have noticed that

the learned Single Judge has duly considered the averment made in the application for impleadment and after being satisfied that the respondent no.3A/Rishra Municipality and the respondent no.3B/Executive Officer of Rishra Municipality are necessary and proper parties, had allowed the prayer. Mere raising objection in affidavit-in-opposition about non-impleadment of proper parties will not take away the right of the parties to cure the defect and implead the necessary parties. The order passed by the learned Single Judge does not suffer from any error and no case for interference is made out.

Appeal is according dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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