

09.04.2024
SI No.5
Court No.8
(gc)

**MAT 74 of 2024
CAN 2 of 2024**

**Sudesh Chouhan @ Sudesh Kumar Chouhan
Vs.
M/s. Estern Coalfields Limited & Ors.**

Mr. Partha Ghosh,
Mr. Amal Kumar Datta,
Ms. Simran Sureka,
Mr. Debasish Das

... for the Appellant.

Mr. Sutirtha Das

... for the respondent.

Mr. J.N. Dasgupta,
Mr. Bijoy Kumar

...for the E.C.L.

1. The appeal is arising out of an order dated 17th March, 2023 in an application for addition of party. The applicant claimed that the applicant is the son of the deceased employee of Eastern Coalfields Limited (ECL).
2. The learned Single Judge allowed the said application notwithstanding an earlier order dated 24th October, 2017 where at the instance of the Eastern Coalfields Limited such prayer was denied on the ground that even if it is assumed that applicant may not be a necessary party but on the basis of the documents disclosed by the applicant, subsequent to the order dated 24th October, 2017, it is necessary that for a proper adjudication the presence

of the applicant is required. The discretion exercised by the learned Single Judge on the basis of the documents which have been subsequently produced by the applicant, namely, the document dated 6th May, 2021 and other materials on record and having regard to the fact that there appears to be a longstanding dispute between the applicant and the writ petitioner, in our considered opinion, the order passed by the learned Single Judge for addition of party in the pending writ petition does not call for any interference.

3. We make it clear that we have not gone into the merits of the matter or the merits of the claim of the applicant in the appeal.
4. The appeal and the application, accordingly, stand disposed of.
5. However, there shall be no order as to costs.
6. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Soumen Sen, J.)

(Uday Kumar, J.)