

08.09.2025
SL No.12
Court No.16
(gc)

**FMA 540 of 2025
CAN 1 of 2025
CAN 2 of 2025**

**Bharat Aluminium Company Limited
Vs.
The Secretary, Navneet Club & Ors.**

Mr. Rwitendra Banerjee,
Mr. Aritra Roychowdhury,
Mr. Sudipta Nayan Ghosh,
Ms. Cardina Roy

...for the Appellant.

1. The defects pointed out by the learned Civil Judge (Sr. Divn) in the impugned order require modification.
2. The company is a juristic entity and there is no requirement in the plaint or in the cause title to name the person by whom the company is being represented. Normally, an affidavit of competence with the Board resolution is filed along with the plaint and if it had not done so in the instant case, we allow the plaintiff to rectify the said defect. However, that may not be a ground for refusing to pass an ad-interim order. Secondly, the Club being a registered society is represented by the Secretary does not require to be named any person. Hence, the reason for refusing to pass any relief against the Club as the name of the Secretary is not mentioned is an incorrect appreciation of the provision of Section

19 of the West Bengal Societies Registration Act, 1961.

3. Under such circumstances, the order impugned is modified.
4. We request the learned Civil Judge (Sr. Divn.), 1st Court, Asansol, Paschim Bardhaman to decide the application for ad-interim reliefs on merits.
5. Liberty is given to move the application for ad-interim reliefs before the Vacation.
6. Accordingly, the appeal and the applications are disposed of.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)