

27.11.2025
Item No.60
Ct. No.1
Saikat
Mukherjee

MAT/1721/2025
with
CAN/1/2025
ANUPAM DEY KABIRAJ
VS.
SONALI DE KABIRAJ AND ORS.

Mr. Arkapravo Roy, Adv.
Mr. Debrup Choudhury, Adv.

...For the Appellant

Mr. Tanmay Basu, Adv.
Me. Monoj Adak, Adv.

...For the Respondent/
writ petitioner

Mr. Lalit Mohan Mahata, AGP
Mr. Ziaul Haque, Adv.

...For the State

Per, Sujoy Paul, ACJ.:-

1. Parties are represented through their respective learned counsels.
2. With the consent, finally heard.
3. This intra-court appeal impugns the order dated 3rd September, 2025, passed in WPA No.19753 of 2025. The singular argument of learned counsel for petitioner is that Relief Clause No.12(a) of WPA shows that specific relief was claimed to arrest the present appellant by taking his name. However, the present appellant was not impleaded as a party respondent. If an order is prayed for against the present appellant by name, the present appellant ought to have been impleaded as a party respondent and in absence thereof, the order

passed by learned Single Judge dated 3rd September, 2025, is liable to be set aside.

4. Learned counsel for the writ petitioner supported the impugned order.
5. We have heard the parties.
6. We find substance in the argument of learned counsel for the appellant. This is trite that justice is not only to be done but it should also appear to be done. If a specific relief was claimed against the present appellant by mentioning his name in the relief clause, the present appellant was certainly a necessary party. In absence of impleading him, the impugned order of learned Single Judge became vulnerable.
7. Resultantly, the order dated 3rd September, 2025, is set aside.
8. WPA No.19753 of 2025 is restored to its original number by reserving liberty to the writ petitioner to implead the present appellant as a party respondent by preferring appropriate application.
9. With aforesaid and without expressing any opinion on merits, MAT No.1721 of 2025 is disposed of.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)