

Subash Chandra Biswas Vs. the Controller of Thika Tenency

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Court : Kolkata

Decided On : Jan-11-2012

Judge : Pranab Kumar Chattopadhyay

Appellant : Subash Chandra Biswas

Respondent : The Controller of Thika Tenency

Judgement :

GA No.29 of 2012 GA No.37 of 2012 APOT No.7 of 2012 WP No.744 of 2011 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction ORIGINAL SIDE SUBASH CHANDRA BISWAS Versus THE CONTROLLER OF THIKA TENENCY GOVERNMENT & ORS.BEFORE: The Hon'ble JUSTICE PRANAB KUMAR CHATTOPADHYAY The Hon'ble JUSTICE MRINAL KANTI SINHA Date :

11. h January, 2012.

Mr.S.Sen Barat, Adv..for the Appellant Mr.Ram Anand Agarwal, Ms.Madhumita Roy, Adversus for the State Mr.Rajib Mullick, Adv.for respondent Nos.2 to 5 Mr.Subhankar Nag, Ms.Sayanti Mukherjee, Mr.Samarjit Dey, Adversus for respondent No.7 G.A.No.29 of 2012 This is an application for condoning the delay in preferring the appeal from the order dated 25th November, 2011 passed by a Learned Judge of this Court in G.A.No.2455 of 2011 arising out of W.P.No.744 of 2011.

Having heard the learned Counsel appearing on behalf of the respective parties and going through the averments made in this application, we are satisfied that sufficient reasons have been furnished and adequate grounds have been mentioned for condoning the delay in preferring the appeal.

Needless to mention, we are satisfied by the explanations given by the appellant for condoning the delay in preferring the appeal.

In the aforesaid circumstances, the delay in preferring the appeal is condoned.

Let the appeal be registered, if the same is otherwise in form.

This application thus stands allowed.

G.A.No.37 of 2012 This application has been filed in connection with the appeal preferred from the order dated 25th November, 2011 passed by a Learned Judge of this Court in G.A.No.2455 of 2011 arising out of W.P.No.744 of 2011 whereby and whereunder the said Learned Judge was pleased to allow the application filed in connection with the writ petition for adding Smt.

Rupali Neogy as a party respondent.

Undisputedly, Smt.

Rupali Neogy is one of the sisters of the writ petitioner and youngest daughter of the recorded thika tenant late Subhash Chandra Biswas.

Considering the aforesaid fact, the learned Single Judge was pleased to hold that the applicant namely, Smt.

Rupali Neogy is a necessary party in the proceedings and therefore added Smt.

Rupali Neogy as a party respondent in the writ application by allowing the application being G.A.No.2455 of 2011.

Having heard learned counsel appearing for the parties and considering the facts and circumstances of this case and also considering the reasons recorded by the learned Single Judge while allowing the application for addition of party, we are of

the opinion that the said learned Single Judge did not commit any mistake by adding Smt.

Rupali Neogy as a party respondent specially when the said Smt.

Rupali Neogy is admittedly one of the sisters of the writ petitioner and youngest daughter of the recorded thika tenant in the premises in question.

For the aforementioned reasons, we hold that the learned Single Judge was justified in allowing the application for addition of party by adding Smt.

Rupali Neogy as a party respondent and we find no scope to interfere with the aforesaid decision of the learned Single Judge.

In the aforesaid circumstances, both the application as well as the connected appeal stand dismissed upon treating the said appeal as on days list as we do not find any merit in the same.

In the facts of the present case, there will, however, be no order as to costs.

All parties concerned are to act on a xeroxed signed copy of this order on the usual undertakings.

(PRANAB KUMAR CHATTOPADHYAY, J.) (MRINAL KANTI SINHA, J.) TR/

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