

Present : Arindam Chattopadhyay
J.O. Code No.WB00859

MACC 508 of 2022
CIS 508 of 20122

Order No.07
Dt. 06.07.23

Today has been fixed for filing written statement by O.P. No.2 and S.R. & A/d upon O.P. No.1.

The claimant has filed hazira through her Id. Advocate. The claimant has filed an application under Order I, Rule 10 C.P.C. and another application under Order VI, Rule 17 C.P.C.

Copy of both the applications has been served upon the Ld. Advocate of O.P. No.2.

On the consent of both the parties the said two applications are taken up for hearing.

Heard the Ld. Advocate of the claimant and O.P. No.2.

Perused the said petition and the case record.

Considered.

In the petition under Order I, Rule 10 C.P.C. the claimant has stated that at the time of filing of this application, her minor daughter and the mother of the deceased i.e. her mother-in-law were not made co-applicants in this case. By filing the instant application the existing claimant has made a prayer for adding her minor daughter and the mother of the deceased as co-applicants in this case.

In the petition under Order VI, Rule 17 C.P.C., the claimant has made a prayer that if the said two other legal heirs of late Mithun Halder be added as parties in this case, in such situation their names should be incorporated in the cause title and also in the Column Nos. 19 and 20 of the claim application by way of amendment.

This case has been filed praying for compensation on the death of Mithun Halder due to R.T.A. All his legal heirs and representatives are necessary parties in a proceeding of such nature. Accordingly, minor daughter and mother of the deceased should be impleaded/added as parties in this case as co-applicants.

In such circumstances, both the petitions, filed by the claimant today are allowed on contest but without cost.

Let Adrika Halder, the minor daughter of Lt. Mithun Halder and Maya Halder widow of Lt. Netai Halder and mother of deceased Mithun Halder be added as applicant Nos. 2 and 3 in the claim petition respectively and thereafter the claim petition be amended as per schedule of amendment of the petition dated 06.07.2023.

Fix 31.07.23 for filing amended claim petition by the claimants, filing of W.S. by O.P. No.2 and S.R. & A/d. upon O.P. No.1.

D/c. By me

Judge, MAC Tribunal
FTC II, D/Harbour