

19.09.2025
Sl. 16
AMR
Ct.No.-655

SA 172 of 2000
with
CAN/4/2024

Smt. Laxmi Rani Dey & Ors.
Vs.
Smt. Gita Dey & Ors.

Mr. Rabindra Nath Mahata
Mr. Aritra Shankar Ray

...for the Appellants

In Re.: CAN/4/2024

1. Affidavit of service filed on behalf of the appellants is taken on record.
2. This is an application filed at the behest of the appellants seeking for addition of parties in this case.
3. The appellants, as plaintiffs, instituted a suit before the learned Trial Court with a prayer for declaration that she is the legally married wife of the deceased and the appellant no(s). 2 and 3 are their legitimate son and daughter and they have 5/12th share in the property left by the deceased, Satyaban Dey.
4. The opposite party nos. 5, 6 and 7 are the authorities concerned and it is submitted that they may be made parties in this case, as these appellants are also entitled to family pension of the deceased and

unless they are made parties to this appeal, complication may arise in future for getting the family pension.

5. It has been further said by the learned Advocate appearing on behalf of the appellants that the opposite parties no(s). 5 and 6 were originally impleaded as parties in Other Suit No. 48 of 1987. However, during pendency of the said suit, their names came to be expunged from the array of parties. Be that as it may, it is now urged that in the present proceeding, certain directions are required to be issued against the opposite parties no(s). 5 to 7 in respect of payment to be made in favour of the petitioners. In view of the nature of the relief sought and the directions that may necessarily follow, the presence of opposite parties no(s). 5 to 7 is indispensable for the complete and effective adjudication of the matter. Accordingly, it is prayed that they be treated as necessary/proper parties in the instant appeal, and their addition be permitted so that the appeal may be properly and effectively decided in accordance with law.

6. I have carefully perused the submissions and contentions advanced in the application. On consideration of the facts and circumstances, I am of the view that there exists sufficient justification for adding the proposed parties as respondent nos. 5, 6, and 7 in the present appeal. Their presence as parties

is necessary for the effective adjudication of the matter, particularly in light of the fact that directions are sought against them in respect of certain obligations or payments in favour of the petitioners.

7. Inclusion of these parties is, therefore, essential to ensure that the appeal is properly and comprehensively decided on its merits, without leaving any aspect of the dispute unaddressed. Consequently, it is appropriate that the said persons be brought on record as respondents so that the appeal may proceed in accordance with law, and a just and equitable determination may be rendered.

8. Accordingly, the application, being CAN/4/2024, with a prayer for addition of party respondent nos. 5, 6 and 7 in this case is **allowed**.

9. The respondent nos. 5, 6 and 7 are to be brought on record as party respondents in this case.

10. Department is directed to make necessary amendment in the cause title of the memorandum of the appeal

11. Appellants are directed to cause service of notice upon the added respondent nos. 5, 6 and 7 within two weeks from the date of reopening of this Court following 'puja vacation'. List the matter one week thereafter.

12. Appellants are further directed to deposit the requisites along with postal cost to serve notice of this

appeal upon the added respondents through speed post and file affidavit of service on the returnable date.

(Prasenjit Biswas, J.)