

31.03.2026
Item No.05
Ct. No. 1
RP

WPCT 57 of 2025
+
IA No.CAN 1 of 2026

Subhas Chowdhury
Vs.
Union of India & Ors.

Mr. Bharat Bhusan
...For Petitioner

Mr. Pramod Kumar Drolia
Mr. Santosh Kumar Pandey
...For Respondents

Dictated by Sujoy Paul, CJ.:

1. Parties are represented through their respective learned counsels.
2. The applicants in CAN 1 of 2026 seek deletion of the name of the respondent no.4 from array of parties as respondent. Learned counsel for the respondents submits that in view of Sections 79 and 80 of the Civil Procedure Code, 1908 the Railway is to be sued through its General Manager and the Secretary of the Railway Board is not a necessary party.

3. Counsel for the petitioner vehemently opposed the same and urged that the respondent no.4 was a party before the Tribunal and, therefore, there is no question of deleting the name of the respondent no.4 at this stage.

4. Order 1 Rule 10(2) of the Civil Procedure Code, 1908 makes it clear that at any stage the Court can pass an order for deletion or addition of the parties. The language employed in Sections 79 and 80 is clear and, accordingly, we are inclined to allow the application, being CAN 1 of 2026 and direct that the name of the respondent no.4 be deleted from array of the respondents. This will not cause any prejudice to the petitioner even otherwise. We order accordingly. The said correction be made within seven days.

5. The application is, thus, disposed of.

6. The learned advocate for the petitioner
prays for time to argue the matter.

7. Let the matter be listed in the
Combined Monthly List of May 2026

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)