

Title Suit 989 of 2000

Present: Sri Subhash Kumar Kar, Judge, Bench-V (WB00592)

Order No. 110/ Dated 20.03.2024

Parties have taken their respective steps.

The date is fixed for hearing of the petition dated 19.07.2022 filed by the defendant for recall of Order no. 101 dated 01.12.2021 on the ground that one Hari Shankar Halwasiya and Ashutosh Halwasiya filed two separate applications under order XXII Rule 10 read with Order I Rule 10 of the C.P.C. along with fresh vakalatnama without serving any copy of the same upon the Ld. Advocate of the defendant and both the petitions were allowed by the Ld. Court vide order no. 101 dated 01.12.2021 adding them as plaintiff no. 1 and plaintiff no. 3 in place of Vinay Shankar Halwasiya and Sajan Kumar Bansal.

On perusal of the said two petitions and the record it appears that the instant suit was filed on behalf of Rai Bahadul Bissessurlal Motilal Halwasiya Trust and since the then plaintiff no. 1, Vinay Shankar Halwasiya and plaintiff no.3 Sajan Kumar Bansal had resigned from their respective office of trusteeship and their resignation were accepted by trust on 22.11.1990, resolution dated 11.03.2022 adopted in the Board Meeting of the Trust said Hari Shankar Halwasiya and Ashutosh Halwasiya were appointed as trustees in them and accordingly they were added as plaintiff no. 1 and 3 in place of the earlier plaintiff nos. 1 and 3.

It appears from the face of the record that no copy of the said application was served upon the defendant.

However, I am of the view that the said order was made without any prejudice to rights and entitlements of the defendant and it is open for him to raise any dispute in respect of their inclusion as plaintiff at the subsequent stage of proceeding.

Therefore this petition does not deserve any order and it is rejected accordingly.

It appears from the record that suit was on argument board when the application was filed.

Fix 06.05.2024 for further argument.

D/c by me,

Judge.

Judge, Bench-V,
City Civil Court, Calcutta.