

Title Suit 25 of 2017(Reg. 25/2017)

CNR WBSP07-003028-2017

J.O.Code No. WB01066

Order dtd.18/02/2026

Today is fixed for passing order in the matter u/o 1 rule 10(2) C.P.C filed by one Kayal Developers Private Ltd. on 16/01/2026.

Record is taken up for passing order.

Perused the petition in handwritten objection dtd. 30/01/2026, copy of confirmation order u/s 233 of the Companies Act,2013, dtd.08/07/2022 and the plaint.

This is a suit against Zircon Dealers Pvt. Ltd. And others for declaration, permanent injunction, recovery of khas possession, damages and mesne profit.

Fact of the suit remains that Defendant No.-1 is a lessee under the plaintiff in respect of the suit property.

Now, fact reveals under the petition in hand that the Defendant Company (Def.No-1, Zircon Dealers Pvt. Ltd.) has been merged with the applicant Company namely, Kayal Developers Pvt. Ltd. by order of the Regional Director(ER) under Section 233 of Companies Act with effect from 08/07/2022 wherefrom it is found that all legal proceedings and/or suits now pending by or against Transferor Company,herein Defendant No-1,shall be continued by or against Kayal Developers Private Limited(applicant herein).

It is apparent from the merger order dtd. ,08/07/2022 that Defendant No-1 company became non-est because of amalgamation and is being represented by the Transferee Company in all pending suits.

But from the Amalgamation order u/s 233 of the Companies Act it is not clear whether Lease hold right of suit property of Defendant No-1 company has been legally transferred to Kayal Developers Pvt. Ltd. or not. Till the question of transfer be resolved on record, I think it proper to keep Defendant No. -1 untouched. Let it be remained as it is.

As, Kayal Developers Pvt. Ltd. as transferee is liable to sue and be sued in place of Zircon Dealers Pvt. Ltd. therefore, keeping in mind the legal position of the applicant Company as necessary party, I do hereby allow the petition u/o 1 rule 10(2) C.P.C.

Let Kayal Developers Pvt. Ltd. be impleaded as Defendant No.1A after Defendant No-1 in the Cause title of the plaint.

D.A to note accordingly.

Fixing 11/03/2026 for W/S, if any by added Defendant No.-1A.

D/C by me,

Civil Judge(Sr. Divn.)
Small Causes Court, Sealdah

Civil Judge(Sr. Divn.)
Small Causes Court, Sealdah

