

OD-2

IA No. GA/48/2020
(Old No. GA/1061/2020)
In
CS No. 1147 of 1947

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

SMT. SAILI GHOSH & ORS.
Versus
DEBAPRIYO SEN & ORS.

BEFORE:
The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA
Date : January 7, 2021.

(Via Video Conference)

Appearance:
Mr. H.P. Basu, Adv.
Ms. Srimoyee Basu, Adv.
Ms. Prerona Choudhury, Adv.
...Petitioner

Ms. Namrata Banerjee, Adv.
...Erstwhile Purchaser

Ms. Chaitali Chatterjee, Adv.
...Intending Purchaser

The Court : This application has been filed by Arati Dutta, the defendant no. 5 representing the shebait of the Deity Sri Sri Iswar Gokul Chandra Jew. The applicant prays for modification of an order passed by a learned Single Judge of this Court on 17th May, 2017 by which the applicant was permitted to develop

the property by one Anita Roy and Ratna Roy by entering into an agreement with the applicant. The property in question constitutes 5 cottahs and 2 chittaks of land being premises no. 108/1, Raja Dinendra Street, Ward no. 15, P.S. Burtolla, Kolkata.

Learned counsel appearing for the applicant submits that the two persons who were originally due to develop this property are under severe financial stress and have, therefore, withdrawn their offer. Counsel places letters dated 7th February, 2020 and 11th February, 2020 of Ratna Roy and Anita Roy expressing their difficulty in going ahead with purchasing the property due to financial constraints. Counsel places a letter of 5th March, 2020 by prospective developer who now intends to develop the property but subject to the applicant obtaining an order from this Court incorporating the name of the new prospective developer in place and stead of Anita Roy and Ratna Roy. The letter of 5th March, 2020 undertakes to adjust the amounts received by the applicant from the erstwhile developers.

The erstwhile developers are represented by counsel who submits that they have no objection to the applicant taking the required steps in view of the changed circumstances.

By reason of the above, this Court sees no impediment in allowing the application in terms of prayer (a). The names of Smt. Anita Roy and Smt. Ratna Roy as mentioned in the order dated 17th May, 2017 will hence be substituted by the names of the new developers/purchasers Sri Somen Dutta, Sri Pradip Basak and Sri Kashinath Roy.

IA No. GA 48/2020 (Old No. GA 1061/2020) is disposed of in terms of the above.

(MOUSHUMI BHATTACHARYA, J.)

sg/kc.