

OD-22

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

IA NO. GA/22/2024
In CS/286/1976

BHUPESH KUMAR MAHAWAR
Vs
MAHABIR PRASAD MAHAWAR & ORS

BEFORE:
The Hon'ble JUSTICE BIVAS PATTANAYAK
Date : 13th September, 2024.

Appearance:

Mr. Chayan Gupta, Adv.
Mr. Ovik Sengupta, Adv.
Mr. Saptarshi Bhattacharyya, Adv.
... for the plaintiff.

Mr. Sunil Kumar Singhanian, Adv.
... for the defendants.

Mr. Rohit Banerjee, Adv.
... for the Jt. Receivers.

The Court :- This is an application for recording death of deceased defendants, for substitution of legal heirs, addition and deletion of names of some of the parties and for correction of name and address of some of parties morefully described in prayer (c) to (h) of the Master Summons.

Mr. Chayan Gupta, learned Advocate for the plaintiff submits that death has to be recorded in respect of deceased defendant no. 2(i) (Ved Prakash Mahawar), defendant no. 6(b) (Rajendra Prasad Mahawar), defendant no. 10 (Madanlal Mahawar), defendant no. 11(a) (Hazarilal Gupta) and defendant no. 14 (Dr. Ramesh Kumar Mahawar) and their legal heirs are required to be substituted in the present proceedings. Further legal heirs of defendant no.1(c) and 1(d) are

also to be substituted. He also submits that the name of defendant no. 11(d) (Varun Gupta) is to be corrected as Bijendra Kumar Gupta. The address of defendant no. 11(d) and 11(f) as mentioned in paragraph 10 is also to be corrected. He also indicates that the name of defendant no.14 has been inadvertently mentioned as Dr. Ramesh Kumar Mahawar which should be Dr. Ramesh Chandra Dhatariya as per his death certificate. He seeks for substitution upon condonation of delay and setting aside of abatement, if any. He seeks for order in terms of prayers made in the Master Summons.

Learned Advocate for the defendant leaves the matter to the discretion of the Court.

At the outset, it appears from the averments made in the application that both the persons namely Dr. Ramesh Kumar Mahawar and Ramesh Chandra Dhatariya are one and identical person. The death certificate (Annexure F) also records the name of defendant no.14 as Ramesh Chandra Dhatariya.

In view of the submissions made on behalf of the petitioner as well as the averments made in the application, let there be order in terms of prayers (a) to (j), (l) and (m) of the Master Summons.

The Department is directed to carry out the amendments within a period of four weeks from the date of communication of this order.

GA/22/2024 is disposed of.

(BIVAS PATTANAYAK, J.)