

OD-3

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

IA NO. GA/13/2022
In CS/12/2009

NARENDRA KUMAR BERLIA AND ORS
Vs
OM PRAKASH BERLIA AND ORS.

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date : 05TH JANUARY, 2023

Appearance :
Mr. Arnab Sardar, Adv.
Mr. P. Das, Adv.
For the Plaintiff

Mr. Sakya Sen, Adv.
Mr. S. R. Kakrania, Adv.
Mr. T. Kakrania, Adv.
Mr. K. Sharma, Adv.
For the Defendant No.1

Mr. L. Baid, Adv.
Mr. T. Saha, Adv.
For the Defendant No.3

Mr. B. B. Sarkar, Adv.
Ms. I. Dutta, Adv.
For the Defendant No.4

Mr. Varun Kedia, Adv.
For the Defendant No.15

The Court : GA No.13 of 2022 is filed by the Plaintiffs with certain Prayers mentioned in the Master's Summons numbered as Prayer (a) to Prayer (f).

Learned Counsel appearing for the Defendants did not file any Affidavit-in-Opposition since the fact of death of the Defendant No.8 is admitted.

Let the death of the Defendant No.8 be recorded and necessary amendments may be made in the cause title of the plaint. It is submitted

that legal heirs of the deceased, Defendant No.8 are already on record so there is no need for substitution.

In the circumstances, the term of the guardian ad litem appointed in terms of the Order dated 6th October, 2010 becomes redundant.

Let guardian ad litem, namely, Ms. Iti Dutta appointed earlier in terms of the said order be released and discharged in terms of previous Order dated 6th October, 2010. She was paid initial remuneration of 2000 GMs by the Defendant No.3. Future remuneration of the guardian was left to be decided.

Learned Counsel for the guardian-ad-litem as well as the guardian-ad-litem appearing in person submitted that number of hearing were to be attended by herself on number of occasions incurring travelling cost and others including loss of valuable professional time of herself.

Considering the circumstances, a further and final remuneration may be fixed at 4000 GMs to be paid to Ms. Dutta along with consolidated travelling cost of Rs.30,000/-. The payment of guardian ad litem shall be paid within 15 days by the same Defendant No.3. Prayers (a) to (f) are allowed.

GA No.13 of 2022, accordingly, stands disposed of .

(SUGATO MAJUMDAR, J.)

A. Dey.