

ORDER SHEET
IA NO. GA/85/2021
In CS/343/1979
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

SUPERINTENDENCE COMPANY OF INDIA (P) LTD.
Vs
WESTERN BUILDING CORPORATION

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 13TH SEPTEMBER, 2021.

Appearance :
Mr. Reetobroto Mitra, Adv.
Mr. Aniruddha Mitra, Adv.
Mr. Rajdeep Bhattacharya, Adv.
Mr. Sukumar Pal, Adv.

The Court : By an order dated 23rd August, 2021, the petitioner had been directed to publish the gist of the prayers in IA NO: GA/85/2021 in “Sunday Statesman” and “Bartaman (Sunday Edition)” within two weeks from the date of the order on the specific indication that the applicant is the owner of the concerned office space No.9A with one Pantry and Toilet on the 9th floor in the Everest building at 46C, J. L. Nehru Road, Kolkata-700071. The direction for advertisement was given so that any person intending to oppose the petitioner’s prayers would have an opportunity to appear at the time of hearing of the application. The main prayer in the application is for appointment of a Special Officer to execute and register necessary conveyance deed in relation to the concerned office space at Everest Building in favour of the petitioner’s nominee namely MH Properties and for taking all other necessary steps.

Learned counsel appearing for the petitioner submits that both the advertisements were duly published within the time directed by this Court and that nobody has opposed or objected pursuant to the advertisements. The defendant No.10, who has changed its name from Everest Apartment Limited to Everest Owners Association, is represented and submits that the defendant no. 10 does not have any objection to the prayers in the application.

The affidavit of service has been filed in Court is stating that no objection has been received.

Upon considering the relevant documents including the agreement made by Western Building Corporation in favour of Mr. S. Vasudevan, the erstwhile agreement holders in respect of office flat No. 9A, 9th Floor in the Everest Building at 46C, J.L. Nehru Road, Kolkata-700071, it appears that the erstwhile agreement holders had been put in possession of said office flat after payment of the entire consideration money to the respondent No. 1. The erstwhile agreement holder by an agreement transferred all his right, title and interest of the said office flat to the petitioner who paid entire consideration to the erstwhile agreement holder and the erstwhile agreement holder had been put in possession of the said office flat to the petitioner. The applicant agreed to transfer the said office space in favour of its nominee namely MH Properties, having its office at No.6, old Post Officer Street, 4th Floor, Kolkata- 700 001.

As no objection has been received from anyone pursuant to the provisions made in the "Sunday Statesman" and "Bartaman (Sunday Edition)", this Court does not see any difficulty in passing an order in favour of the applicant.

There shall accordingly be an order in terms of prayer (b) of the petition namely that Special Officer will be appointed to execute and register necessary conveyance deed for the concerned office space included in prayer (b) of the petition in favour of the nominee of the petitioner namely MN Properties with the petitioner as a Confirming Party and for taking all other necessary steps.

Mr. Partha Chakraborty, Mobile No.9230694854 of the Bar Association Room No.16 is appointed as the Special Officer to take necessary steps as indicated above and register the deed of conveyance in favour of the petitioner's nominee namely MH Properties and with the petitioner as the Confirming Party and taking all other steps. The petitioner will bear the remuneration to the Special Officer which is assessed at Rs.50,000/- and all necessary expenses for travel and any other form of assistance. The execution and registration of the deed of conveyance shall be completed within 30th November, 2021. The Special Officer shall stand discharged upon execution and registration of the deed of conveyance. IA No. GA/85/2021 is disposed of in terms of the above.

(MOUSHUMI BHATTACHARYA, J.)