

OD-21

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

IA NO. GA. No/106/2025
In
In CS No./343/1979

SUPERINTENDENCE COMPANY OF
INDIA(P) LTD
VS
WESTERN BUILDING CORPORATION AND ORS

Before:

The Hon'ble Justice BISWAROOP CHOWDHURY

Date: 03th JULY 2025

Appearance:
Mr. Rittick
Chowdhury, Adv.
Mr. Shoham
Sanyal, Adv.

....for the defendant no.10..

The Court: This is an application filed by the applicant praying for the following orders:-

- a) Leave be granted to your Petitioner to intervene in the suit as per the provisions of Order I Rule 8 of Code of Civil Procedure.
- b) A Special Officer be appointed to execute and register necessary deed in relation to the office unit No. 8A along with a pantry and toilet situated on the 8th floor of Everest at 46C Jawaharlal Nehru Road. Kolkata – 700071 in favour of the applicant.
- c) The applicant be permitted to cause necessary advertisement in one English and one vernacular daily indicating that a deed for transfer is sought to be executed in respect of unit No. 8A along with one Pantry and toilet and the gist of the prayer of the present applicant.
- d) The Registrar of Assurances, Kolkata be directed to register a deed of transfer in respect of office unit No. 8A along with one pantry and toilet situated on the eighth floor of Everest Building.
- e) Ad-interim orders in terms of prayers above.

- f) Pass such other or further orders as Your Lordships may deem fit and proper.

Upon perusal of the application filed by the applicant Sanjay Kumar Laddha it appears that series of transfers took place with regard to the Unit No. 8A/1 measuring about 800 square feet (1/3rd of 2400 sq. ft. of Unit no. 8A) of the premises No. 460. Jawaharlal Nehru Road Kolkata – 700071 8A/2 measuring about 800 sq.f (1/3rd of 2400 Sq.ft) unit No-8A and 8A/3 measuring about 800 square feet (1/3rd of 2400 sq.ft. of Unit no. 8A).

It is the contention of the applicant, that the applicant is the absolute and sole owner of the office unit no. 8A/1, 8A/2, and 8A/3 commonly known as unit no. 8A and in total measuring 2400 sq.ft. of 46 C Jawaharlal Nehru Road. (previously known as Chouringhee Road) Kolkata – 700071, and is enjoying possession without abstruption or interference. It is further contended that on the application filed by the original owners either names were recorded in the Municipal books of record, although no deed of conveyance was executed in favour of the applicant.

This application appeared on March 19, 2025, and Order was passed to make publication in one English and one Bengali News Paper.

Pursuant to making publication nobody appeared to oppose this application. Thus the applicant has prima facie made out a case. However before passing final Order in this application this Court is of the view that a Special Officer should be appointed to cause enquiry as to who is in possession of Unit no-8A/1, 8A/2, and 8A/3 commonly known as Unit No-8A of 46C Jawaharlal Nehru Road Kolkata – 700,071 and for what purpose the said Units are used.

Thus Mr. Mihir Kumar Das Learned Advocate Ph. 9674030675 is appointed as Special Officer to cause enquiry as to who is in possession of Unit no. 8A/1, 8A/2, and 8A/3 commonly known as Unit 8A of 46 C Jawaharlal Nehru road. Kolkata-700071, and from which date and for what purpose the said units are used. Upon

completion of enquiry Learned Special Officer shall submit report on or before 22/07/2025.

The Enquiry should be conducted upon notice to Learned Advocates for the applicant and the Learned Advocates for the parties who have appeared in this case.

Learned Special Officer shall be entitled to a remuneration of 1000 GM. to be paid by the applicant. Copy of this application be served upon the Special Officer by the applicant.

Fix 22/07/2025 for report of the Special Officer and further orders.

(BISWAROOP CHOWDHURY, J.)

A.Bhar(P.A)