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

C.S.No./343/1979
In
G.A.No./106/2025

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

Before:

The Hon'ble Justice BISWAROOP CHOWDHURY

Date: 30th JULY 2025

Appearance:

Mr. Rittick Choudhury, Adv.

Ms. Mili De, Adv.

...for the applicant.

Mr. Soham Sanyal, Adv.

...for respondent no. 10.

The Court: This application was moved 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 Civil Procedure Code 1908;
- 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 application.
- 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 at 46C Jawaharlal Nehru Road, Kolkata – 700071 in favour of the applicant.

- e) Ad-interim orders in terms of prayers above;
- f) Pass such other or further order or orders as Your Lordship's may deem fit and proper.

By Order dated March 19, 2025 His Lordship the Hon'ble Justice Bivas Pattanayak upon hearing the application was pleased to allow prayer C of the 'Notice of Motion'. A direction was issued to make publication in one English and one Bengali News paper daily. Such publication was made by the applicant. Pursuant to such publication nobody appeared to object the application of the applicant.

By Order dated 3rd July 2025 a Special Officer was appointed 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 46C Jawaharlal Nehru Road, Kolkata – 700071 and from which date and for what purpose the said units are used.

Learned Special Officer conducted the enquiry and submitted his report. It is observed by the Learned Special Officer, that before walking over the unit/property he found at the entrance one name plate of the applicant Mr. Sanjay Kumar Laddha and entire Unit found under possession of the applicant through tenant, and the unit is also being used as office purpose with staffs. It is further observed that there are two toilets and one pantry in the said units and the applicant is in possession from the very beginning ie. 2006.

Upon considering the facts of the case the order dated 3rd July 2025 and the report of Learned Special Officer this Court is of the view that the applicant is entitled to the relief as prayed for.

Let there be an order in terms of prayer a, b and d of the Notice of Motion dated 20th day of February 2025.

Learned Special Officer Mr. Mihir Kumar Das who is appointed by Order dated

3rd July 2025 shall execute and register necessary deed in relation to the office unit No. 8A along with the pantry and toilet situated on the 8th Floor of Everest at 46C Jawaharlal Nehru Road Kolkata-700071 in favour of the applicant. Learned Special Officer upon completing the registration of the document shall submit report to this Court.

Learned Special Officer is further entitled to a remuneration of 500 GM.

Fix 3/09/2025 for Report of Special Officer.

(BISWAROOP CHOWDHURY, J.)

A.Bhar(P.A)