

ORDER SHEET

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

IA NO. GA/107/2025  
In CS/343/1979

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

BEFORE:

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 24<sup>th</sup> September, 2025.

Appearance:

Mr. Soham Sanyal, Adv.  
...for the defendants no. 10

The Court: Learned Advocate for the defendants No.10 is present.

This application is sought for with the following prayers:-

*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 of conveyance in relation to the Unit no. 18G situated on the 18th floor of Everest at 46C, Jawaharlal Nehru Road, Kolkata-700071 in favour of applicant's nominee namely Gayson & Company Private Limited, having its registered office at 6G, Everest House, 46C, Chowringhee Road, Kolkata-700071,*

*c) The applicant be permitted to cause necessary advertisement in one English and one vernacular daily indicating that conveyance is sought to be executed in respect of Unit no. 18G and the gist of the Prayer of the present application;*

*d) The Registrar of Assurances, Kolkata be directed to register a deed of conveyance in respect of Unit no. 18G situated on the 18th floor of Everest Building at 46C, Jawaharlal Nehru Road, Kolkata- 700 071 in favour of Gayson & Company Private Limited, having its registered office at 6G, Everest House, 46C, Chowringhee Road, Kolkata-700071.*

It is the contention of the applicant that the applicant is enjoying possession of the unit 18G of the suit property 18<sup>th</sup> floor of the building at premises No.46C J. L. Nehru Road, Kolkata. The applicant further states that by agreement dated 18<sup>th</sup> July, 1973 entered between one M/s Western Building Corporation and one and one Smt. Rampati Khaitan and one Smt. Satyabhama Khaitan, the said M/s Western Building Corporation agreed to sell and the said Smt. Rampati Khaitan and Smt. Satyabhama Khaitan jointly agreed to purchase Flat/Unit No.18G of the 18<sup>th</sup> floor of the building at premises No.46-C, J. L. Nehru Road, Calcutta. Thereafter by two separate letters, M/s. Western Building Corporation rectified the inadvertence of mentioning of wrong floor in the aforesaid agreement and confirmed the allotment of the said Unit in favour of the said Smt. Rampati Khaitan and Smt. Satyabhama Khaitan, identifying the said unit as 18G/1 having an area of 1000 square feet and 18G/2 having an area of 1000 square feet for the said Smt. Rampati Khaitan and Smt. Satyabhama Khaitan respectively.

By letter dated 17<sup>th</sup> September, 1975 Smt. Satyabhama Khaitan informed that she has sold her right, title and interest in the said Unit No.18G/2 to Seth Chiranjilal Khaitan Trust and requested the said M/s. Western Building Corporation to take the final balance consideration from the said Seth Chiranjilal Khaitan Trust, in order to complete the payment consideration in term of the said agreement dated 18<sup>th</sup> July, 1973, which was duly paid by the said Seth Chiranjilal Khaitan Trust to the said M/s. Western Building Corporation and subsequently the said M/s. Werstern Building Corporation. On the same day vide its letter dated 17.09.1975 confirmed and acknowledged the receipt of the entire payment in lien of the said Unit No.18G/2 and also confirmed handing over peaceful and

vacant possession of the said Unit No.18G/2 to the said Seth Chiranjilal Khaitan Trust along with right to transfer the same.

Smt. Rampati Khaitan paid her entire consideration to the said M/s Western Building Corporation and obtained peaceful and vacant possession and subsequently by letter dated 26<sup>th</sup> May, 1979 informed the said M/s. Western Building Corporation that she has sold her right, title and interest in the said unit no.18G/1 to the said Seth Chiranjilal Khaitan Trust and requested to transfer the said unit no.18G/1 to said Chiranjilal Khaitan Trust.

Thus, the Seth Chiranjilal Khaitan Trust became the absolute and sole owner of unit No.18G/1 and 18G/2 commonly known as Unit No.18G. Thereafter, this applicant Seth Chiranjilal Khaitan Trust is enjoying possession in the aforesaid unit without any obstructions, interferences whatsoever and is regularly paying maintenance charges, outgoings in respect of the said commercial space to the Association.

Upon hearing the learned Advocates and considering the facts of the case, this Court is of the view that as the alleged transfer took place about 50 years ago and in the meantime there may be different developments in the interest of Justice, it would be proper to appoint a Special Officer to ascertain as to who is residing in Unit No.18G/1 and Unit No.18G/2 at premises 46-C, Jawaharlal Nehru Road, Kolkata-700071.

Thus, Mr. Arindam Chatterjee, learned Advocate (Ph. No.9830197901) is appointed as Special Officer to cause an enquiry as to who is residing at the Unit No. 18G/1 and Unit No.18G/2 commonly known as Unit No.18G at premises No.46C, Jawaharlal Nehru Road, Kolkata-700071. The Learned Special Officer shall further ascertain under what capacity the occupant in the said unit is residing and from which period. The learned

Special Officer shall also peruse the documents in support of the occupation of the occupants in the said property. Such enquiry shall be conducted upon notice to the learned Advocate for the applicant and learned Advocate appearing for the defendant no.10.

Upon completion of the enquiry, a Report shall be submitted by the learned Special Officer on 12<sup>th</sup> November, 2025. Learned Special Officer is entitled to a remuneration of 1000 GM to be paid by the applicant.

Learned Advocate for the applicant shall serve a copy of the petition upon the learned Special Officer and participate in the enquiry.

Let the Report be submitted on 12<sup>th</sup> November, 2025.

Let the affidavit of compliance regarding paper publication filed be kept with record.

(BISWAROOP CHOWDHURY, J.)