

OD-6

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

IA NO. GA/92/2022
In CS/343/1979

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

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date : 14th December, 2022.

Appearance:
Mr. A. Mitra, Adv.
Mr. D. Mitra, Adv.
For the Petitioner

Mr. Rajdeep Bhattacharya, Adv.
For the Association

The Court : The instant suit was instituted by the Plaintiff Company with leave of this Court under Order 1 Rule 8 of CPC. Leave was sought under Order 1 Rule 8 of the CPC to institute the suit on behalf of and for the benefit of all persons like the Plaintiff who have occupied different portions of the suit property, namely, as Everest Building located at 46C, Jawaharlal Nehru Road, Kolkata – 700071 now known as 46C, Chowringhee Road, Kolkata – 700071. It is the case of the present Petitioner that in terms of a written agreement dated *10th July, 1972* which is referred to as the Principal Agreement, Western Building Corporation who was the owner of the property agreed to sale Flat No. 17C, located at 17th Floor of the building to one Smt. Pramila Devi Saharia for valuable consideration.

Smt. Pramila Devi Saharia by a Nomination Agreement dated 10th February, 1986 made M/s. Ferro Alloys Corporation Limited, as nominator having its registered office at Shreeram Bhawan, Tunsar-441912, Maharashtra and also at 17F & G, Everest, 46C, Chowringhee Road, Kolkata-700 071. One application was made by M/s. Ferro Alloys Corporation Limited the Administrator of the estate to record change of ownership which was duly done. M/s. Ferro Alloys Corporation Limited had paying maintenance charges and other outgoings in respect of the demised property namely Flat No. 17C of the building. By a subsequent nomination agreement dated 25th October, 1994 between M/s. Ferro Alloys Corporation Limited and M/s. Shalimar Hatcheries Private Limited, Ferro Alloys Corporation Limited nominated M/s. Shalimar Hatcheries Limited and handed over possession of the said office space after receiving valuable consideration.

By a letter dated 26th October, 1994 M/s. Ferro Alloys Corporation Limited informed the Administrator that they have transferred the right, title of the said office space in favour of M/s. Shalimar Hatcheries Private Limited which is now M/s. Shalimar Hatcheries Limited, and by a letter dated 8th November, 1994 Shalimar Hatcheries Private Limited now Shalimar Hatcheries Limited requested to the Administrator of the estate to record the change of ownership which was duly done and the petitioner has been paying maintenance charges and other outgoings of the demised property namely Flat No. 17C of the building, since then.

It is submitted that in prayer (c) of the petition the deed of conveyance be executed in favour of M/s. Shalimar Hatcheries Limited instead of M/s. Shalimar Hatcheries Private Limited.

The Petitioner has presently filed the instant application praying for joining in the suit as an intervenor as well as with the prayer to appoint a Special Officer for execution of a deed of conveyance on behalf of the erstwhile owner, namely, Western Building Corporation in favour of Shalimar Hatcheries Limited along with other prayers.

Pursuant to Prayer (d), an Order was passed by this Court on 10th November, 2022 for publication of the proposed sale in one bengali daily, namely, "Bartaman" and another in one english daily, namely, "Times of India". Pursuant to that Order, advertisements were published on 5th December, 2022 in the said two newspapers.

A supplementary affidavit in this respect is filed. Let the same be kept on record.

Another two Affidavit-of-Services were filed showing service of notice upon the Everest Owners Association who were subsequently added as Defendant No.10.

The Defendant No.10 has already made appearance and did not raise any objection.

Prayer (c) was allowed and necessary advertisements were published. Now Prayer (a) is allowed allowing the Petitioner to intervene the suit in terms of Order 1 Rule 8 of CPC. Let the cause title be amended accordingly.

In terms of Prayer (c), a Special Officer is to be appointed to execute and register the necessary deed of conveyance on behalf of M/s. Western

Building Corporation in favour of M/s. Shalimar Hatcheries Limited, M/s. Ferro Alloys Corporation Limited as a confirming party in the said deed.

Mr. Ramesh Chandra Pal, a Member of the Incorporated Law Society be appointed as a Special Officer to execute a deed of conveyance on behalf of the Western Building Corporation in terms of prayer (c).

One time remuneration of the Special Officer may be fixed as Rs.25,000/-.

Let the matter appear in the list on 20th December, 2022.

(SUGATO MAJUMDAR, J.)

A. Dey.