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

IA NO. GA/88/2022
In CS/343/1979

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

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 the 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 August, 1972, which is referred to as the principal agreement, Western Building Corporation who was the owner of the property agreed to sale Flat No. 12E, located at 12th Floor of the building to one M/s. Veena Kaul for valuable consideration. Possession was handed over to the said Veena Kaul. The present Petitioner has been appointed as a nominator in terms of the Deed of Nomination dated 20th January, 2006

executed between Mrs. Veena Kaul and the present petitioner, namely, Ranjit Razdan. The Petitioner requested 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 in respect of the demised property, namely Flat No.12E of the building. Subsequently, in course of time, the Defendant No.1 could not be traced out and no step was taken for execution of the formal deed of conveyance.

Subsequently, in terms of an agreement dated 26th May, 2022 made between the present Petitioner Ranjit Rajdan and M/s. East West Freight Carriers Limited, having its registered office at 62, Adarsh Industrial Estate, Sahar Road, Chakala, Andheri (East), Mumbai – 400099, the later was nominated by the present Petitioner as a transferee of the suit Flat No.12E.

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 M/s. East West Freight Carriers Limited along with other prayers.

Pursuant to Prayer (c), 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 (b), a Special Officer is to be appointed to execute and register the necessary deed of conveyance on behalf of the Western Building Corporation. The present Petitioner shall be the affirming 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.

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.