

OD-7

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

IA NO. GA/93/2022
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. R. Mitra, Adv.
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 15th September, 1971 which is referred to as the Principal Agreement, Western Building Corporation who was the owner of the

property agreed to sale Flat No. 11C, located at 11th Floor of the building to one Bhanwarmal Singhi for consideration. Possession was handed over to the said Bhanwarmal Singhi.

Bhanwarmal Singhi died intestate on 13th November, 1986 leaving behind him his wife Smt. Sushila Singhi, Srikant Singhi, Sushma Gupta and Susmita Gupta as his only heirs.

In terms of agreement dated 12th February, 1988, the aforesaid legal heirs of Bhanwarmal Singhi transferred, assigned and nominated M/s. Chiranjilall Agarwal, a partnership firm to acquire the said flat on payment of consideration money. Possession was handed over to the said firm. Name of the firm was recorded by the Administrator of the estate, in respect of the demised flat.

After successive transfer, assignment and nomination as detailed in the application, among various parties and persons, the present Petitioner was assigned, nominated to acquire rights, title and interest of the demised property. Name of the Petitioner was recorded by the Administrator of the estate and since such recording, the Petitioner has been paying taxed, charges and other outgoings in respect of the suit property.

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. Shalimar Pellet Feeds Limited along with other prayers.

The Learned advocate appearing for the petitioner submits that Smt. Sushila Singhi, confirming party No. 1 died on 30th August, 1998 and confirming party Nos. 2, 3 and 4 are the only legal heirs of Smt. Sushila Singhi.

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.

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

In terms of Prayer (c) of the petition, a Special Officer is to be appointed to execute and register the necessary deed of conveyance on

behalf of the Western Building Corporation along with the confirming parties, as mentioned in Prayer (c).

Mr. Shayak Mitra, Advocate, High Court, Calcutta Mobile No. 8902005746 be appointed as a Special Officer to execute a deed of conveyance on behalf of the Western Building Corporation in terms of prayer (c) of the petition.

The 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.