

OD-5

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

IA NO. GA/95/2023  
In CS/343/1979

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

BEFORE:  
The Hon'ble JUSTICE SUGATO MAJUMDAR  
Date: 8<sup>th</sup> February, 2023.

Appearance:  
Mr. Aniruddha Mitra, Adv.  
Mr. D. Mitra, Adv.

Mr. Rajdeep Bhattacharya, Adv.

The Court: GA/95/2023 is filed by Yaana Apparels Pvt. Ltd. a company incorporated under the Companies Act, 1956 having registered office at No.2/1, Sarat Bose Road, Lansdowne Tower, 2<sup>nd</sup> Floor, Kolkata-700020 praying for leave to intervene in the suit along with other prayers.

The flat no. 16G together with two toilets measuring about 2018 Sq. ft. build up area situated on the 16<sup>th</sup> floor of the unfinished basements of ground plus 21 stored building known as 'Everest' as 46C Chowringhee Road, Kolkata-700071 is the subject matter of the instant application.

The matrix of the case advanced herein is that in terms of a deed of conveyance in 1965 M/s. Hindusthan Building Society Limited sold premises no. 46C Chowringhee Road, Kolkata-700071 to Western Building Corporation are then existing partnership firm who was arrayed as

defendant no.1. Subsequently, defendant no.1 entered into agreements for sale of different parts of the premises with different persons. In view of disputes and differences between the owners and occupiers of the multi-storied building namely 'The Everest' and the defendant no.1 the present suit was instituted. An application under Order 1 Rule 8 was filed and leave was granted. An agreement for sale was executed on 4<sup>th</sup> May, 1972 one M/s. Western Building Corporation and M/s. Camphor & Allied Products Limited for sale of the instant office spaces namely 16G located in 'The Everest'. After number of subsequent assignees Abhashree Advisory Pvt. Ltd. became the last assignee of the said agreement to which the present applicant, being the transferee company amalgamated into. Thus, the present petitioner had got interested in the property as aforesaid and crept to be intervened with an object that deed of conveyance may be executed as prayed for.

Learned Counsel appearing for defendant no. 10 did not raise any objection and submitted that number of office spaces and flats previously were thus conveyed in the same process by order of this Hon'ble Court. Since there is no one to object, let prayers (a) and (c) of Notice of Motion are allowed. Petitioner is added as intervenor.

It is further submitted and prayed for publication of advertisement in two local dailies named therein in prayer (c) have to be disseminating publication information of such sale. Let such prayer be allowed. The petitioner shall submit a draft advertisement and place the same before the learned Registrar, Original Side for approval before publication.

Let the matter appear in the list on 1<sup>st</sup> March, 2023.

Publication is to be made with prior approval of learned Registrar, Original Side in the meantime.

Leave is granted to the defendant no.10 to file affidavit-of-competency and Vakalatnama in the Department.

(SUGATO MAJUMDAR, J.)

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