

OD-8

ORDER SHEET
IA NO. GA/82/2021
In CS/343/1979
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

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

BEFORE:
The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA
Date : 23rd AUGUST, 2021.

Appearance :
Mr. Anirudha Mitra, Adv.
Mr. D. Mitra, Adv.
..for the petitioner

Mr. Rajdeep Bhattacharya, Adv.
...for the respondent No. 10

The Court : By an order dated 2nd August, 2021, the petitioner had been directed to publish the gist of prayers in IA NO: GA/82/2021 in "Sunday Statesman" and "Bartaman (Sunday Edition)" within three weeks from the date of the order on the specific indication that the petitioner/applicant is the owner of the office/show room No. G-B (N) on the Northern side ground floor in the Everest Building at 46C, J.L. Nehru Road, Kolkata-700071. The direction for advertisement was given so that any person intending to oppose the petitioner's prayers would have an opportunity to appear at the time of hearing of the application. The main prayer in the application is for appointment of a Special Officer to execute and register necessary conveyance

in relation to the concerned office/show room at Everest Building in favour of the petitioner and for taking all other necessary steps.

Learned counsel appearing for the petitioner submits that both the advertisements were duly published within the time directed by this Court and that nobody has opposed or objected pursuant to the advertisements. The defendant no. 10, who has changed its name from Everest Apartment Limited to Everest Owners Association, is represented and submits that the defendant no. 10 does not have any objection to the prayers in the application.

The affidavit of service has been filed in Court is stating that no objection has been received.

Upon considering the relevant documents including the agreement for sale made by Western Building Corporation in favour of the petitioner herein in respect of office/show room/shop No. G-B (N) on the Northern side ground floor in the Everest Building at 46C, J.L. Nehru Road, Kolkata-700071, it appears that the petitioner had been put in possession of said office/show room/shop after payment of the entire consideration money to the respondent no. 1. As no objection has been received from anyone pursuant to the provisions made in the "Sunday Statesman" and "Bartaman (Sunday Edition)", this Court does not see any affidavit in passing an order in favour of the applicant.

There shall accordingly be an order in terms of prayer (b) of the petition namely that Special Officer will be appointed to execute and register necessary conveyance deed for the concerned office/show room/shop and other spaces included in prayer(b) of the petition in favour of the petitioner and for taking all other necessary steps.

Mr. Gautam Das of the Bar Association Room No. 1 is appointed as the Special Officer to take necessary steps as indicated above and register the deed of conveyance in favour of the petitioner. The petitioner will bear the remuneration to the Special Officer which is assessed at Rs.50,000/- and all necessary expenses for travel and any other form of assistance. The execution and registration of the deed of conveyance shall be completed within 31st October, 2021. The Special Officer shall stand discharged upon execution and registration of the deed of conveyance. IA No. GA/82/2021 is disposed of in terms of the above.

(MOUSHUMI BHATTACHARYA, J.)

Sbghosh