

OC-3

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
COMMERCIAL DIVISION

CS-COM/568/2024
IA NO: GA-COM/1/2024, GA-COM/3/2025

MAHESH THAKUR
VS
OM PRAKASH BHARTIA AND ORS.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : May 5, 2025

Appearance :

Ms. Suparna Mukherjee, Adv.
Mr. Ratul Das, Adv.
Mr. Dipotomoy Talukder, Adv.
Mr. Tushar Kanti Hare, Adv.
...for the plaintiff

Mr. Uttam Sharma, Adv.
... for the defendant nos. 3, 4 & 5

Mr. Debjit Mukherjee, Adv.
Mr. Lalratan Mandal, Adv.
... for the defendant nos. 6 & 11

Mr. Udaynarayan Betal, Adv.
... for the defendant no. 7

1. Ms. Suparna Mukherjee, Learned Senior Counsel, is appearing for the plaintiff.
2. Mr. Uttam Sharma, Learned Counsel, is appearing for the defendant nos. 3, 4 and 5.
3. Mr. Debjit Mukherjee, Learned Counsel, is appearing for the defendant nos. 6 & 11.
4. Mr. Udaynarayan Betal, Learned Counsel, is appearing for the defendant no. 7.

5. The matter is listed as “To Be Mentioned” on receipt of the report from the Office of the Learned Master and the Official Referee dated 28th April, 2025, wherein it reveals that at the time of scrutiny altogether six (6) defects have been detected by the department on 28th April, 2025. Counsel for the plaintiff prays for time to rectify the defects as pointed out by the department.

6. Learned Counsel for the defendant no. 7 has raised objection and submitted that the matter is taken up for hearing on 9th August 2024 and on the said date the counsel for the plaintiff has submitted before this Court that the plaintiff will take appropriate steps for issuance of writ of summons, but till date writ of summons has not been issued.

7. Considering the submission made by the Counsel for the respective parties, this Court finds that the department has only notify the defects in the plaint on 28th April, 2025 and as such an opportunity is to be given to the plaintiff to rectify the defects as pointed by the department.

8. Accordingly, the plaintiff is directed to cure the defects within two weeks from date and if required, the plaintiff is also given liberty to re-verify and re-affirm the affidavit within a week thereafter, immediately after the curing the defects, the plaintiff is directed to lodge the writ of summons.

(KRISHNA RAO, J.)