

OD-11

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

IA NO. GA/171/2022
In CS/943/1982

ASHIM GUHA THAKURTA & ORS.
Vs
BENOY KUMAR CHATTERJEE & ANR.

BEFORE:
The Hon'ble JUSTICE SUGATO MAJUMDAR
Date: 20th February, 2023.

Appearance:
Mr. Ratul Das, Adv.
Mr. P. Bandopadhyay, Adv.
Mr. R. Upadhyay, Adv.
Mr. S. Biswas, Adv.

Mr. A. N. Ganguli Adv.
Mr. I. Sarkar, Adv.
Mr. A. K. De, Adv.
Mr. G. Chakraborty, Adv.

The Court: GA/17/2022 is filed with a prayer to grant leave to intervene in the suit to a limited extend of its right, title and interest and to move the application as well as to grant permission to execute and registered deed of conveyance in respect of flat no. 10A on the 19th floor of Chatterjee International Centre having detailed in the application.

Learned Joint Administrators filed affidavit-in-opposition against the application challenging various deeds and documents on the basis of which the present petitioner claimed his right. It is specifically averred that deed of assignments as well as agreement for sale relied upon by the petitioner are unregistered. Copies of agreement dated 28th November, 1974 as well as deed of assignment dated 8th February, 2001 are relied upon by the

intervenor. It prima facie appears that the proposed intervenor has interest in the suit property. Documents on the basis of which claim or right, title or interest is claimed need to be produced in evidence. Claim of the present petitioner can neither be rejected nor be decided at this stage without any adjudication. Since disputed by the Joint Administrators, without adjudicating the prima-facie rights of the petitioner no conveyance can also be executed.

Therefore, it is a fit case where the present petitioners should be allowed to intervene in the suit as defendants. Let their name be inserted in the plaint and they may be added as defendants and contest the suit by filing written statement.

Let the necessary steps be taken and should appear in the list on 14th March, 2023.

Accordingly, GA/171/2022 stands disposed of.

(SUGATO MAJUMDAR, J.)