

OD-14

ORDER SHEET

CS/161/2020  
IA No.GA/3/2022

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

JUSTIN CONRAD NAGLE AND ORS.  
-VS-  
SHER ALI MULLICK AND ORS.

BEFORE:  
The Hon'ble JUSTICE KRISHNA RAO  
Date : July 12, 2023.

Appearance:  
Mr. Shiv Shankar Banerjee, Adv.  
... for the plaintiffs.

Mr. Shyamal Chakraborty, Adv.  
Mr. Debajyoti Mandal, Adv.  
... for the defendants.

The Court: Counsel for the respective parties are present.

By an order dated 30<sup>th</sup> June, 2023 this Court has imposed costs of Rs.10,000/- upon the plaintiffs on the ground that the plaintiffs have not served copy of the application being GA/3/2022 along with written statement to the counter-claim to the defendant nos.2, 7, 8 and 9.

Today when the matter is called, learned counsel for the plaintiffs has filed affidavit-of-service showing that the plaintiffs have served copy of GA/3/2022 as well as the written statement to the counter-claim to the defendant nos. 6, 7, 8 and 9 on 5<sup>th</sup> August, 2022 but at the time of passing of the order dated 30<sup>th</sup> June, 2023, the same was not brought to the notice of this Court. Accordingly, the affidavit-of-service filed by the plaintiff be kept

with the record and the portion of the order wherein this Court has imposed costs of Rs.10,000/- upon the plaintiff is recalled.

Counsel for the plaintiff submits that the written statement was affirmed through Notary Public in the year 2022 and he may be given leave to file the same in the department. Accordingly, leave is granted to the plaintiffs to file the written statement within two days from date.

As the copy of the application being GA/3/2022 is served upon the defendant nos. 2, 7, 8 and 9, the defendants are at liberty to file affidavit-in-opposition within three weeks; reply, thereto, if any, be filed within a week thereafter.

List the matter on 29<sup>th</sup> August, 2023.

(KRISHNA RAO, J.)

RS