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ORDER SHEET

IA No.GA 5 of 2025
IN
CS 91 of 2023
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

SRI TARIT KUMAR MAITRA
VS.
SRI TARUN KUMAR MOITRA & ORS.

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 19th May, 2025.

Mr. Pallab Kumar Mitra, Mr. Koushik Bhatta, Ms. Kritika Jain,
Advocates for the plaintiff.

Mr. Kaunish Chakraborti, Mr. K. S. Haque, Mr. Rahul
Naskar, Advocates for the defendant no.2.

The Court : This matter has been brought into the list in view of the note given by the learned Registrar, Original Side of this Court.

It appears from the note that in the proposed amendment shown in a copy of the plaint annexed to this application being Annexure 'B', there has been changes made to the original pleadings apart from the amendments allowed as a consequence of the substitution. This was not pointed out to the Court and as such, the amendment, on the application being allowed by an order dated 23rd April, 2025 could not be carried out by the department. The defects in the application are such that the same cannot be cured or regularised.

The order dated 23rd April, 2025 is, therefore, recalled and the application being GA 5 of 2025 is dismissed as withdrawn with liberty to file

a fresh for the substitution and amendment, if any.

The department and all parties to act on the basis of a server copy of this order.

(ARINDAM MUKHERJEE, J.)

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