

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

IA No.GA/6/2025

In

CS No. 91 of 2023

TARIT KUMAR MAITRA
VERSUS
TARUN KUMAR MOITRA AND OTHERS

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 7th July, 2025.

Mr. Pallab Kumar Mitra, Adv.

Mr. Kaushik Bhatta, Adv.

Ms. Kritika Jain, Adv.

Ms. Trisha Datta, Adv.

For the plaintiff.

Mr. Kaunish Chakrabarti, Adv.

Mr. K. S. Haque, Adv.

Mr. Rahul Naskar, Adv.

For the proforma defendant no.2.

The Court:- This is an application for substitution of the legal heiresses of the defendant no.1 who died intestate, according to the plaintiff, on 25th November, 2024. The plaintiff had filed an application for substituting the legal heiresses of the deceased defendant no.1 being IA No. GA 5 of 2025. However, the said application was dismissed as withdrawn on 19th May, 2025 with liberty to file a fresh for the substitution and amendment, if any. This application has been filed in terms of such leave granted to the plaintiff.

After considering the amendments shown in red ink in the copy of the

plaint being Annexure-D to this application, I find that the amendments are formal in nature and will not alter the nature and character of the suit. It will not take away any admission already contained in the plaint and as such the amendments are allowed. The death of the defendant no. 1 is recorded. The legal heiresses of the defendant no.1 are substituted as defendant no. 1(A) and 1(B) as shown in the cause title of the plaint being Annexure-D to this application.

Since the initial application was filed within a period of 90 days and this application has been filed in terms of the leave granted to the plaintiff by the order dated 19th May, 2025, abatement, if any, is set aside.

The Department is directed to carry out the amendments as shown in red ink in the copy of the plaint being Annexure-D to this application within a period of fortnight from date.

Once the amendments are carried out, the applicant shall have liberty to re-verify and/or re-affirm the application. Once the re-verification and re-affirmation are over, a copy of the amended plaint shall be served on the learned Advocate for the defendants.

Nothing further remains to be adjudicated in this application.

The application being IA No. GA 6 of 2025 in CS No. 91 of 2023 is accordingly disposed of.

(ARINDAM MUKHERJEE, J.)