

OD-5

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: 9th April, 2025.

Mr. Koushik Bhatta, Adv. for the plaintiff.

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

The Court : This is an application for substitution of the legal heirs of the original defendant no.1 who died on 25th November, 2024.

It is the case of the plaintiff that the original defendant no.1 after having entered appearance had filed his written statement with a counter-claim. On 12th March, 2024 when the application was taken up, the Advocate representing the original defendant no.1 appeared and submitted that the name of one of the daughters of the deceased defendant no.1 as shown in the proposed amendment is incorrect. The plaintiff says that despite request to the said learned Advocate, neither the correct name nor the address and other details of the legal heirs/heiresses of deceased defendant no.1 has been provided to the plaintiff. The plaintiff also says that the address of the legal heirs of the defendant no.1 as available with the

plaintiff has also not been confirmed by the learned Advocate who represented the original defendant no.1. It is also the case of the plaintiff that in the meantime the plaintiff has come to know about alternative address of the two daughters of the deceased defendant no.1 whom they intend to implead as substituted defendants in place and stead of the original defendant no.1.

The plaintiff is directed to file a supplementary affidavit to bring on record the subsequent events that have taken place after filing of this application and post passing of the order dated 12th March, 2025. Let such supplementary affidavit be filed by 17th April, 2025.

Let this matter appear on 22nd April, 2025 under the appropriate heading.

Learned Advocate for the plaintiff as and by way of abundant caution shall serve a notice upon Mr. Arindam Paul, learned Advocate who represented the deceased defendant no.1 before the Court on 12th March, 2025.

(ARINDAM MUKHERJEE, J.)