

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

IA NO. GA/5/2025
In
CS/91/2023
TARIT KUMAR MAITRA
Vs
TARUN KUMAR MOITRA AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 23rd April, 2025.

Appearance:
Mr. Pallab Kumar Mitra, Adv., Mr. Koushik Bhatta, Adv.,
Ms. Kritika Jain, Adv. For plaintiff
Mr. Meghnad Dutta, Adv.
For defendant No.1
Mr. Kaunish Chakraborti, Adv., Mr. K.S. Haque, Adv.,
Mr. Rahul Naskar, Adv. For defendant no.2

The Court: Affidavit of service filed in Court today is taken on record.

This is an application for substitution of the legal heirs/heiresses of the defendant no.1, who died on 25th November, 2024. The application has been made on 20th February, 2025, i.e. within 90 days from the date of death of the defendant no.1 as required under Article 120 of the Limitation Act, 1963.

After the application was moved, the plaintiff has come to learn about the

present addresses of the legal heirs of the original defendant no.1. The said addresses have been mentioned in the supplementary affidavit.

After hearing the parties and considering the materials on records, I find that the suit has not abated as against the legal heirs of the original defendant no.1 and they are sui juris.

In the aforesaid facts and circumstances, the amendments as indicated in red ink in the copy of the plaint being Annexure-B to this application with the addresses of the substituted defendant nos.1(A) and 1(B) as indicated in paragraph 14 of the said supplementary affidavit affirmed on 17th April, 2025 are allowed. Department shall carry out the amendment within three weeks from date. The plaintiff shall cooperate with the department for carrying out the amendment. Immediately after carrying out the amendments the plaintiff shall be entitled to re-verify and re-affirm the plaint. A copy of the amended plaint shall be served on Mr. Arindam Paul, learned advocate, as he has instruction to appear on behalf of the substituted defendant nos.1(A) and 1(B) as also on the said defendants immediately after the amendments are carried out.

Nothing further remains to be adjudicated in this application. The application is, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)

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