

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

IA No. GA/1/2025

In

CSOS/7/2024

HARI SHANKAR HALWASIYA AND ANR.

VERSUS

ISHWARI PRASAD TANTIA AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 5th August, 2025.

Appearance:

Mr. Ishan Saha, Adv.

Mr. Ganesh Prasad Shaw, Adv.

Mr. Harshit Thirani, Adv.

Mr. Rupak Ghosh, Adv.

The Court:- Affidavit-in-reply filed in Court today is taken on record.

This is an application by the respondent nos. 1 to 4 in the originating summons suit for rejection of the plaint and for dismissal of the originating summons suit, inter alia, on the ground that the trust in question is operational in terms of a scheme framed by this Court on 1st December, 1941 in a suit numbered as 47 of 1934 filed in the year 1934.

It is the case of the applicants that Clause 39 of the scheme mandates the parties to approach this Court by filing an application in connection with the implementation of the scheme and no independent originating summons suit is, therefore, maintainable as filed by the plaintiffs.

The plaintiffs commence their arguments, but the same could not be concluded as the cause papers of the originating summons suit to which the plaintiffs refer to are not before the Court and are required to be looked into at

the time of hearing.

Let this matter remain in the list to be taken up as and when the business of the Court permits.

The Department is directed to send the cause papers of the originating summons suit being CSOS No. 7 of 2024 to this Court.

(ARINDAM MUKHERJEE, J.)

snn.