



1995:CHC-OS:5

OD- 5

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
IA NO. /26/2024
In
CS/568/1992
R.K.P. UDYOG LTD.
VS
HEMRAJ MAHAVIR PROSAD P.LTD

BEFORE:

The Hon'ble JUSTICE BIVAS PATTANAYAK

Date: 6th November, 2024.

Appearance:

Mr. Rahul Singh, Adv.
... for plaintiff.

Ms. Saroj Tulsian, Adv.

Ms. Jayanti Paul, Adv.

Mr. Anamik Das, Adv.

For defendant no.13

Mr. Sib Sankar Das, Adv.

For defendant nos.1, 22, 22(B)/22(C), 35(A).

The Court : This is an application seeking substitution of legal heirs of defendant No. 13 and defendant No. 35A and for striking of the name of defendant No. 36A and for deletion of the word 'Master' from the name of defendant No. 22CKeshav Jhunjhunwala.

Mr. Rahul Singh, learned Advocate appearing for the petitioner submits that the defendant No. 13 has expired on 28.12.2015 leaving behind wife Sumitra Devi Mandelia, three sons namely Mr. Sanjay Kumar Mandelia, Mr. Harsh Vardhan Mandelia and Mr. Ashish Mandelia and two daughters, namely, Ms. Sangeeta Modi and Ms. Rajni Goyal. Similarly, defendant no. 35A Purushottam Lal Murarka has expired on 2nd February, 2015 leaving behind two sons namely Mr. Man Mohan Murarka and Mr. Sushil Purshottam Lal



Murarka and one daughter namely Smt. Neera Garia. He also indicates that the defendant No. 22C, Keshav Jhunjhunwala who was a minor at the time of his substitution has attained majority and accordingly, the word 'Master' is to be deleted from the name of defendant No. 22C. Further defendant No. 36A Rama Devi Murarka has expired on 3rd May, 2022 leaving behind defendant Nos. 36B, 36C, 36D and 36E as her legal heirs who are already on record and as such her name be struck off. He indicates that previously an application being GA 25 of 2023 was taken out for substitution of legal heirs of defendant No. 13. However, due to certain defects, the same was withdrawn with liberty to file a fresh. Hence this application. He seeks for orders in terms of prayer (a) to (f) of the Master's Summons

Considering the aforesaid submissions, the averments made in the application and the death certificates annexed to the application, the delay in applying for substitution stands condoned and the abatement as against defendant Nos. 13 and 35A is set aside.

Let there be an order in terms of prayers (a) to (f) of the Master's Summons.

The department is directed to carry out the amendments within a period of four weeks from the date of communication of this order.

The application being GA 26 of 2024 stands disposed of.

(BIVAS PATTANAYAK, J.)