

ORDER SHEET

CS/129/2015  
IA NO.GA/3/2024

IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
ORIGINAL SIDE

M/S. BANWARI LAL PASARI  
-VS-  
M/S. ANANDILAL NARENDRA KUMAR & ORS.

BEFORE:  
The Hon'ble JUSTICE KRISHNA RAO  
Date : 1<sup>st</sup> March, 2024.

Appearance:  
Mr. Sarvapriya Mukherjee, Adv.  
Mr. Arnab Sardar, Adv.  
...for the plaintiff

Mr. U. S. Menon, Adv.  
Mr. Abhirup Chakraborty, Adv.  
...for the defendant Nos.4 & 5

Mr. Debmalya Ghosal, Adv.  
Mr. Vivek Basu, Adv.  
Mr. Souvik Ghosh, Adv.  
...for the defendant Nos. 1, 2 & 3

The Court: Mr. Sarvapriya Mukherjee, learned Counsel, is appearing for the plaintiff, Mr. Debmalya Ghosal, learned Counsel, is appearing for the defendant Nos. 1, 2 and 3 and Mr. U. S. Menon, learned Counsel, is appearing for the defendant Nos. 4 and 5 through virtual mode.

Counsel for the plaintiff has filed the present application being GA/3/2024 praying for amendment in the plaint by making amendment in the cause title with respect of the defendant Nos. 1 to 3. When the plaintiff has filed the suit at the relevant point of time defendant No. 1 was a partnership firm and now it has been converted to proprietorship firm.

Counsel for the plaintiff further submits that the defendant No. 3 is no more in existence and instead of the defendant No. 3, Orient Beverages Limited has taken over by the Jaypee Estates Private Limited. It is further

submitted that the plaintiff also intends to add some averments in paragraph 18 of the plaint by way of amendment.

Counsel for the defendants submits that they have no objection for allowing the said application but the defendant Nos. 2 and 3 submits that by a communication dated 15<sup>th</sup> September, 2023 Counsel for the defendant Nos. 2 and 3 has informed the learned Advocate for the plaintiff that the defendant Nos. 2 and 3 merged with Orient Beverages Limited to 225C, A.J.C. Bose Road, third floor, Kolkata-700020, but in spite of said information, plaintiff has not taken any steps with regard to the deletion or amendment in respect of the defendant no.2.

Counsel for the plaintiff submits that it is not required for the plaintiff to delete the name of the defendant No. 2 in terms of the averments made in paragraphs 18 and 19 of the plaint.

Considered the submission made by the Counsel for the respective parties.

The defendant is not interested to take any steps for deletion of the name of the defendant No. 2 in spite of receipt of the information from the Counsel for the defendant No. 2 that the defendant No. 2 is merged with Orient Beverages Limited, the Court cannot direct the defendant for deletion of the name of the defendant No. 2 and as such this Court is not passing any order with regard to the deletion of the defendant No. 2 from the cause title.

As regard the amendment as prayed for by the plaintiff, this Court finds that the amendment as sought for by the plaintiff is formal in nature and none of the parties will be prejudiced if the amendment is allowed.

Accordingly, prayers (a) to (d) of the Master Summons are allowed.

GA/3/2024 is disposed of.

The plaintiff is directed to serve the amended copy of the plaint to all the appearing parties within a period of two weeks after completion of all formalities.

(KRISHNA RAO, J.)

Sbghosh