

OD- 9

ORDER SHEET

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

CS/219/2024
IA NO: GA/1/2024, GA/3/2024
SOMNATH ENCLAVE PVT LTD.
VS
SEWNARAYAN KHUBCHAND AND ANR.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : December 19, 2024.

Appearance:

Mr. Sabyasachi Sen, Adv.
Mr. Deb Kumar Sen, Adv.
...for the plaintiff

Mr. Avijit Dey, Adv.
...for the defendant no.1

Mr. Bishajib Ghosh, Adv.
Mr. Avirup Chatterjee, Adv.
Mr. Rishov Das, Adv.
...for the defendant no. 2

The Court: Mr. Sabyasachi Sen, learned Counsel, is appearing for the plaintiff.

Mr. Avijit Dey, learned Counsel, is appearing for the defendant No. 1.

Mr. Bishajib Ghosh, learned Counsel, is appearing for the defendant No. 2.

The matter has been listed as "To Be Mentioned" on receipt of the report of the Master and Official Referee dated 16th December, 2024. It is found from the report that the suit was admitted by the learned Master and Official Referee on 20th November, 2024 in terms of the order passed by this Court dated 14th November, 2024. After the admission of the plaint, the plaintiff has lodged Writ of Summons and the Writ of Summons was issued on 4th December, 2024, but subsequently, the plaintiff has filed a Master's Summons being GA 2 of 2024 on 5th December, 2024 praying for extension of time for issuance of the Writ of

Summons for a further period of seven weeks. On receipt on the said Master's Summons, the learned Master has allowed the said Master's Summons by an order dated 9th December, 2024. Subsequent to the order passed by the learned Master, the Learned Master came to know that the Writ of Summons has already been issued. Accordingly, the matter has been placed before this Court.

Considering the above, this Court finds that the Writ of Summons has already been issued on 4th December, 2024, but subsequent to the issuance of the Writ of Summons the plaintiff has filed a Master's Summons on 5th December, 2024 praying for extension of time and the fact with regard to the issuance of Writ of Summons on 4th December, 2024 was not placed before the learned Master. Accordingly, the learned Master has again extended the time for issuance of Writ of Summons by an order dated 9th December, 2024.

Considering the above, this Court finds that the Writ of Summons was lodged by the plaintiff within the prescribed period of time and the same has already been issued on 4th December, 2024 and thus there was no necessity to file further Master's Summons by the plaintiff praying for extension of time. Accordingly, the order passed by the learned Master in GA 2 of 2024 dated 09.12.2024 is recalled.

By consent of parties, GA 2 of 2024 is treated as on the day's list and disposed of.

The department is directed to handover the original Writ of Summons to the plaintiff for taking appropriate steps for service upon the defendants.

(KRISHNA RAO, J.)