

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

IA NO. GA/1/2025
IN
CS/225/2024

PRAVEEN KHEMKA AND ORS.
VS
KRISHNA MURARI SHROFF AND ORS.

IA NO. GA/5/2025
IN
CS/225/2024

PRAVEEN KHEMKA AND ORS.
VS
KRISHNA MURARI SHROFF AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 3rd February, 2026

Appearance:

Mr. Sourajit Dasgupta, Adv.
Mr. Vishwarup Acharyya, Adv.
Ms. Anindita Chattopadhyay, Adv.
. . . For the plaintiffs.

Mr. Suman Kr. Dutt, Sr. Adv.
Mr. Debmalya Ghosal, Adv.
Mr. Dipranjan Mukhopadhyay, Adv.
Mr. Niladri Khanra, Adv.
. . . For defendant nos.2, 3 and 6.

The Court :- It appears that the plaintiffs despite being given opportunities to file the affidavit-in-reply in GA 1 of 2025 have not availed the same in right earnestness. The cost directed to be paid to the State Legal

Services Authority and to the defendant no.6 was a pre-condition for acceptance of the affidavit-in-reply. The time to file affidavit-in-reply was extended on 22nd January, 2026 on payment of such cost. The cost has been paid to the State Legal Services Authority only today (03.02.2026). The cost was offered to the defendant no.6 also today but the defendant has declined to receive the same as it was tendered out of time. The plaintiffs have come with an affirmed copy of affidavit-in-reply. The said reply has been affirmed on 30th January, 2026.

The conduct of the plaintiffs is not appreciated, particularly in view of the fact that despite repeated opportunities being granted to the plaintiffs, the plaintiffs were unable to file the affidavit-in-opposition to the vacating application of the defendants being GA 5 of 2025, as a consequence whereof the said application was directed to be heard as “Motion Adjourned (Unopposed)” on 22nd January, 2026.

Mr. Dutt, learned Senior Advocate on behalf of the defendant nos.2, 3 and 6 fairly submits, on instructions, that his client suggests that the cost of Rs.2500/- awarded to them be deposited with the State Legal Services Authority instead of being paid to them. The affidavit-in-reply is accepted subject to the plaintiffs paying a further sum of Rs.3000/- to the State Legal Services Authority by 9th February, 2026. The plaintiffs shall also deposit the sum of Rs.2500/- payable to the defendant no.6 in terms of the order dated 22nd January, 2026 to the State Legal Services Authority as submitted by the learned Senior Advocate for the defendant nos.2, 3 and 6.

The order dated 22nd January, 2026 is modified to that extent for payment of cost of Rs.2500/- to the State Legal Services Authority instead of defendant no.6. Unless the cost of Rs.3000/- awarded today and the cost of Rs.2500/- as directed by this order are paid to the State Legal Services Authority by 9th February, 2026, the affidavit-in-reply will not be considered at the time of hearing. The affidavit-in-reply filed in Court today is taken on record subject to the plaintiffs fulfilling the aforesaid condition.

Let these matters appear on 13th February, 2026 for further consideration.

(ARINDAM MUKHERJEE, J.)