

OCD-18

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

IA NO. GA/3/2023
In CS/269/2022

FOX AND MANDAL AND ORS
Vs
SOMABRATA MANDAL AND ORS

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 20th November, 2023.

Appearance:
Mr. Soumabho Ghose, Adv.
Mr. Saubhik Chowdhury, Adv.
... for the petitioner.

Mr. Biswarup Mukherjee, Adv.
Mr. Vinayak Chaubey, Adv.
Mr. Indranil Munshi, Adv.
Ms. Vedika Bhotika, Adv.
... for the respondent.

The Court: This is an application for recording the death of the plaintiff no.3 and consequential amendment in the plaint in view thereof. The legal heirs and/or the other partners of the partnership firm being the plaintiff no.1 and the limited liability partnership firm being plaintiff no.2, on whose behalf the plaintiff no.3, since deceased had filed the suit are already on record. The consequential amendments as shown in red ink in a copy of the plaint which is marked as annexure 'X' to this application are allowed. The department is directed to carry out the amendments within a period of three weeks from date. The plaintiffs and the defendants shall render all co-operation to the department for carrying out the necessary amendments. Leave is granted to the plaintiff to re-verify and re-affirm the plaint once the amendments are carried out. The plaintiff shall serve a copy

of the amended plaint upon the defendants and/or their advocates within a fortnight from the date of the amendments being carried out.

Although on behalf of defendant nos. 1 and 2 an opportunity was sought for to use an affidavit but after considering the nature of the suit and the amendment, I do not find any reason to grant such opportunity as the amendment will neither change the nature and character of the suit or withdraw any admission made on behalf of the plaintiff.

GA 3 of 2023 is accordingly disposed of.

(ARINDAM MUKHERJEE, J.)