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ORDER SHEET

CS/254/2008
IA No.GA/8/2010 (Old No.GA/3614/2010)

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

ANJANA KHARKIA & ANR.
Versus
SMT. KUSUM JAIN AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 7th April, 2021.

[Via video conference]

Appearance:

Mr. Sayantan Bose, Adv.
Mr. Sarosij Dasgupta, Adv.
Mr. Aditya Ganodia, Adv.
Mr. Pintu Ghosh, Adv.
... for the plaintiffs

Mr. Deepak Jain, Adv.
... for the defendant nos. 2 and 3.

The Court: Learned counsel for the plaintiffs submits that although an order dated 18th December, 2020 passed by a learned single Judge allowing the application filed by the plaintiffs for recording the death of the defendant no.1 and for consequential amendments, there was no direction on the plaintiffs to serve a fresh writ of summons on the substituted defendants, namely, defendant nos.1(a) and 1(b). Counsel submits that the Department

has therefore not issued a fresh summons on the substituted defendants till date.

The defendant nos.2 and 3 are present in Court today.

It appears from the last order passed by this Court on 12th March, 2021 that the plaintiffs sought for listing of this matter on the ground that witness action had commenced in the suit long back.

Since the witness of the plaintiffs is present in Court today, let the examination-in-chief continue for some time.

The concerned Department in the meantime will cause a fresh writ of summons to be served on the defendant nos.1(a) and 1(b) as allowed in the application for amendment filed by the plaintiffs and recorded in the order dated 18th December, 2020.

The examination-in-chief of the plaintiffs' witness will continue on 19th April, 2021.

The Department shall forthwith cause summons to be issued.

(MOUSHUMI BHATTACHARYA, J.)