

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

IA NO. GA/19/2026
In CS/254/2008

ANJANA KHARKIA AND ANR.
Vs
SMT. KUSUM JAIN AND ORS

BEFORE:
The Hon'ble JUSTICE ANANYA BANDYOPADHYAY
Date : 14th JULY, 2026.

Appearance :
Mr. Sarosij Dasgupta, Adv.
Ms. Amrita Pandey, Adv.
Ms. S. Auddya, Adv.
...for the plaintiffs

Mr. Sankarsan Sarkar, Adv.
Mr. S. Pandey, Adv.
...for the defendants

The Court :- Learned Advocate representing the Plaintiff in GA/19/2026 referred to an Order passed by the Division Bench of this Court dated 4th September, 2024 which, inter alia, stated as follows :

“Considering all the facts and circumstances, there is no point in hearing an appeal on the question whether Clause 12 leave should be revoked. It would further delay the suit. We direct that the learned trial judge should frame a specific issue, if not already framed, whether the suit now subsisting involving the Vivekananda Road and Ballygunge Park properties, one property within the jurisdiction and the other outside jurisdiction can be entertained and determined by this court ? We record the submission of Ms. Agarwal for the respondents that her client will not insist on any relief with regard to the Howrah property. The above issue may be tried as a jurisdictional issue. All questions are open before the learned single judge. Upon determination of the jurisdictional issue, it is up to the learned judge to decide whether to proceed further with the suit or to pass any other judgment and order.”

It was further submitted that the plaintiff seeks amendment of the plaint with regard to the deletion of the property as delineated Paragraph 8 of the instant application being 6 Bighas 3 Kottahs 14 Chittacks and 27 Sq.ft of land situated at Mouza Mirzapur at Andul, police station Sankrail, District – Howrah relinquishing the rights and contentions of the plaintiff upon the same property.

The Plaintiff being bound by her own affirmation foregoing the claim of her right in the aforesaid property and not to seek any relief thereto; the Department is directed to amend the plaint in terms of deleting the particulars of the aforesaid property from the plaint.

The Learned Advocate representing the Defendant is present and did not express any opinion contrary thereto.

GA/19/2026 is accordingly disposed of.

Let the matter appear on 10th August, 2026.

The process of re-affirmation and re-verification to be completed prior to the next date of hearing.

(ANANYA BANDYOPADHYAY, J.)