

ORDER SHEET

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

CS/297/2022

IA NO: GA/1/2023, GA/2/2023, GA/3/2023, GA/4/2025

SABYASACHI BANERJEE  
VS  
ASHA MIRCHANDANI WATERSTREET AND OTHERS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 18<sup>th</sup> February, 2026.

Appearance:

*Mr. Arif Ali, Adv.(VC)*  
*Mr. Arnab Sardar, Adv.*  
*...for the plaintiff*

*Mr. Subhasish Sengupta, Adv.*  
*Mr. Sourojit Dasgupta, Adv.*  
*Mr. Soumadip Dasgupta, Adv.*  
*Mr. Dibanath Dey, Adv.*  
*...for the defendant no.1*

1. The plaintiff has filed the present application being GA/4/2025 praying for recording the death of the defendant no.3 and substitution of the legal heirs of the defendant no.3.
2. Counsel for the plaintiff submits that by an order dated 6<sup>th</sup> November, 2024 this Court directed the defendant to supply the copy of the death certificate of the defendant no.3 as well as the details of the legal heirs of the defendant no.3 to the plaintiff and in terms of the order passed by this Court on 26<sup>th</sup> November, 2024, the learned Counsel appearing for the defendant no.1 has forwarded the copy of the death certificate as well as the legal heirs of the defendant no.3. From the death certificate it reveals that the defendant no.3 died on 29<sup>th</sup> July, 2023

leaving behind only one legal heir, namely, Andrew Dayal Morant being the son of the defendant no.3.

3. Heard the learned Counsel for the plaintiff and perused the materials on record. This Court finds that the defendant no.3 had died on 29<sup>th</sup> July, 2023 leaving behind only one legal heir, namely, Andrew Dayal Morant. Accordingly, the department is directed to delete the name of the defendant nos.3 and in his place his only heir being Andrew Dayal Morant be substituted as defendant no.3(a) in the cause title.
4. Considering the submissions made by the counsel for the plaintiff, prayers (a) to (e) of the Master's Summons is allowed.
5. The plaintiff has also submitted that the pin code in the cause title of the plaint in the address of the plaintiff has been wrongly recorded as "700091" instead of "700106". Accordingly the plaintiff is given liberty to correct the pin code.
6. The applicant being Rajashi Developers Private Limited has filed the present application being GA/2/2023 praying for addition of his name as added defendant in CS/297/2022 on the ground that in terms of the decree passed by this Court in CS/50/2011 the Jain Infraprojects Private Limited have purchased the suit property and the applicant is the nominee of the Jain Infraprojects Private Limited. Accordingly, the applicants have got right, title and interest in the property and intend to be added as a defendant no.16 in the present case.
7. The learned Counsel appearing for the plaintiff submits that the plaintiff has not aware with regard to the settlement arrive between the parties in CS/50/2011 and plaintiff will take to appropriate steps with regard to the decree passed by this Court in CS/50/2011. He submits

that applicant may be added as a added defendant no.16 without prejudice rights and contention of the plaintiff.

8. Considering the submissions made by the Counsel for the parties, prayer (a) of the Master's Summons is allowed.
9. The department is directed to add the applicant namely, Rajashi Developers Private Limited as defendant no.16 in the present suit.
10. The plaintiff is directed to re-verify and re-affirmed the affidavit within a period of two weeks after the addition of defendant nos.1 and to serve the copy of the plaint to the plaintiff within a week thereafter.
11. GA/4/2025 is disposed of.

(KRISHNA RAO, J.)