

OD-18

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE

IA No.GA/2/2021
In EC/327/2018

MANJAN DEVI PATNI & ORS.
VERSUS
MOHANLAL AGARWAL

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 9th November, 2021.

Appearance:

Mr. Rajeev Kumar Jain, Adv.
Mr. Abhirup Chakraborty, Adv.

Mr. Satadeep Bhattacharya, Adv.
Mr. Saptarshi Mukherjee, Adv.

The Court: The present application is for recording the death of the award debtor who died on 3rd February, 2021 and for substitution of the name of one Kamlesh Kumar Agarwala in place and stead of the award debtor.

According to learned Counsel appearing for the applicant, Kamlesh Kumar Agarwala is the son of the award debtor Mohanlal Agarwal. Counsel submits that although there has been a delay in filing of the present application under Article 120 of the Limitation Act, the applicant seeks to take benefit of the Supreme Court orders extending periods of limitation until 2nd October, 2021.

Petitioners/award holders are represented.

Upon hearing learned Counsel, it is evident that the applicant is protected by the orders of the Supreme Court since the application was filed during the pendency of the said orders. GA/2/2021 is accordingly allowed and disposed of in terms of the prayers therein. The name of Kamlesh Kumar Agarwala is substituted as executor to the estate of the deceased in place and stead of the award debtor in the execution petition. The proposed amendments as indicated in the relevant annexures are allowed and the department is directed to carry out the said amendments within two weeks from date. The applicant is given leave to re-affirm the petition and is directed to serve a copy of the amended application on the other parties.

(MOUSHUMI BHATTACHARYA, J.)

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