

OD-48

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

*IA NO:GA/4/2021
WITH CS/274B/1996
IN APD/252/2015*

*M/S. ESSEM CHEMICAL INDUSTRIES
VS.
M/S. STANDARDSHOE SOLE & MOULD [INDIA] LTD.
.....*

BEFORE:
The Hon'ble JUSTICE I. P. MUKERJI
AND
The Hon'ble JUSTICE ANIRUDDHA ROY
Date : 1st September, 2021.
[VIA VIDEO CONFERENCE]

Mr. Deva Nand Misra, Mr. Prashant Kumar Singh, Advs...for appellant.

Ms. Sananda Ganguly, Adv...for respondent.

The Court : The following submission is made in support of this application.

The appeal is disposed of. Special Leave Petitions by both parties are pending before the Supreme Court. Money to the credit of the appeal is lying with the learned Registrar, High Court, Original Side. Some withdrawal therefrom has been made further to order/orders of court.

The respondent is the decree holder. It is submitted that the respondent's advocate on record has retired from the matter and given change in favour of Ms. Sananda Ganguly by endorsing a No Objection on the Vakalatnama executed by the respondent in her favour. The department is not accepting the Vakalatnama as the appeal is disposed of.

It is true that the appeal is disposed of. But some matters pertaining to the appeal as stated above continue to remain in this court. We think

that the newly executed Vakalatnama should be accepted by the department to enable the new advocate to take steps with regard to the remaining matters including obtaining a statement of accounts from the learned Registrar as to the fund lying in his hands as on date.

In those circumstances, we allow prayer [a] of the petition for the above limited purpose. We also grant prayer [b] to the extent that the learned Registrar shall write a letter to the respondent's new advocate on record stating the amount in his hands supported by a statement of accounts obtained from the bank.

It is submitted on behalf of the appellant that the advocate on record for the appellant Vijay Nand Misra has passed away and that a similar order be made enabling Mr. Deva Nand Misra to act on behalf of the appellant on the basis of a Vakalatnama executed by the appellant for the limited purpose as stated above. We also allow this prayer.

The application, IA No.GA/4/2021 is disposed of accordingly.

(I. P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)

