

ORDER SHEET

CS/175/2014

IA NO. GA/2/2014 (OLD NO. GA/1737/2014), GA/6/2022

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

SHARMILA SHETTY & ANR.

-VS-

HEMEN BAROOAH BENEVOLENT AND FAMILY TRUST & ORS.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : May 20, 2022.

Appearance:

Mr. Paritosh Sinha, Adv.

Mr. Ratnanko Banerji, Sr. Adv.

Mr. D. N. Sharma, Adv.

Mr. Anunoy Basu, Adv.

The Court: Vide order dated 23rd December, 2021, this Court has granted liberty to the plaintiffs to cure defects with the condition for payment of cost of Rs.1 lakh within a period of two weeks from the date as condition precedent. As per the report filed by the Master and Official Referee dated 19th January, 2022 which reflects that plaintiffs did not take any steps in the suit and no cost was paid in terms of the order dated 23rd December, 2021. The Master and Official Referee has again submitted a report on 21st April, 2022 intimating that the plaintiffs had partly cured the defects and paid the cost.

Today when the matter was called, counsel for the plaintiffs again prays for time to cure the defects appearing in the plaint.

Counsel for the defendant raises objection and submits that the suit was filed in the year 2014 and in the year 2021 this Court has granted liberty to the plaintiffs to cure the defects. But in spite of liberty granted by this

Court, the plaintiffs had failed to cure the defects and had also not taken any steps for issuance of writ of summons upon the defendants till date.

It reveals from record that the suit is filed in the year 2014. Vide order dated 08.05.2014 plaint was admitted subject to scrutiny by the department. On scrutiny of the plaint altogether eight defects were pointed out and in spite of the same, the plaintiffs had failed to cure the defects.

Vide order dated 23.12.2021 the Co-ordinate Bench of this Court had permitted to cure the defects but in spite of specific direction the plaintiffs failed to carry out the same.

In view of the above, this Court is of the view that the plaintiffs have filed the suit only to harass the defendants and to drag the matter.

Hence, this Court has no other alternative but to dismiss the suit.

Accordingly, the CS/175/2014 is dismissed. Consequently, connected applications are also dismissed.

Interim order, if any, is vacated.

(KRISHNA RAO, J.)