

OD-1

ORDER SHEET

CS/12/2013

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

HANUMAN ESTATES LTD
-VS-
NATIONAL INSURANCE COMPANY LTD.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 11, 2023.

Appearance:

Mr. Sabyasachi Chowdhury, Adv.
Ms. Urmila Chakraborty, Adv.
Mr. Amit Meharia, Adv.
Ms. Paramita Banerjee, Adv.
Ms. Subika Paul, Adv.
...for the plaintiff

Mr. Debahyoti Datta, Adv.
Mr. Arijeet Doss Mullick, Adv.
...for the defendant

The Court: This matter is listed as 'To Be Mentioned' on the prayer of learned counsel for the plaintiff. Counsel for the plaintiff submits that vide order dated 27th February, 2020, this Court had passed an order wherein a Special Referee was appointed and the remuneration of the Special Referee was fixed at Rs. 5 lakhs. This Court while passing the order dated 27th February, 2020 held that:

"The Special Referee will be paid a consolidated remuneration of Rs.5 lakhs by the plaintiff at the first instance. The plaintiff is at liberty to add the remuneration paid to the Special Referee as costs and expenses, in the event, the defendant does not pay the same. The plaintiff will arrange for all assistance that the Special Referee may require in the discharging of his duties. Needless to say that

the plaintiff will be entitled to realize the costs and expenses for the same from the defendant.”

In the application being GA/5/2021 the plaintiff has also prayed for recovery of the said amount in prayer (d) but while disposing of GA/5/2021, prayer (d) was not included.

In view of the submission made by the counsel for the plaintiff, the second last paragraph of the judgment dated 20.12.2022 is corrected as follows:-

“Accordingly, decree is passed in terms of prayers (a) and (d) of GA/5/2021 with interest @ 6% per annum on the rent decided by the Special Referee in terms of the report dated 26th April, 2021. Decree be drawn up accordingly.”

This order be incorporated in the order dated 20.12.2022.

In view of the above, CS/12/2013 is disposed of.

(KRISHNA RAO, J.)