

OD-12

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

IA NO. GA/4/2023
In CS/110/2018

SANTOSH SHAH
Vs
GITA BAIDYANATH & ORS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : August 10, 2023.

Appearance

Ms. Urmila Chakraborty, Adv.
Mr. Saikat Das, Adv.
..for the plaintiff

Mr. Santanu Chatterjee, Adv.
..for the defendant Nos. 1 and 2

Mr. Arjoon Mookherjee, Adv.
Ms. Paramita Banerjee, Adv.
... for the defendant No. 3A

The Court : Counsel for the plaintiff, Counsel for the defendant Nos.
1 and 2 and Counsel for the defendant No. 3A are present.

The defendant No. 3A has filed the present application being GA No.
4 of 2023 praying for acceptance of the report signed by the original
defendant No. 3 after the completion of renovation or construction of the
work in terms of the order passed by this Court dated 20th June, 2018.

Counsel for the plaintiff and the Counsel for the defendant Nos. 1
and 2 submit that the original defendant No. 3A during his life time has
complied with the direction itself given by this Court dated 20th June, 2018
and the plaintiff as well as the defendant Nos. 1 and 2 are satisfied with the
construction work executed by the original defendant No. 3. Accordingly,
the plaintiff and the defendant Nos. 1 and 2 submit that they have no

objection for acceptance of the report of the defendant No. 3 executed/signed during his life time.

In view of the submission made by the Counsel for the respective parties, the report submitted by the Counsel for the defendant No. 3A is accepted which was executed/signed by the original defendant No. 3 during his life time.

Counsel for the plaintiff submits that as the defendant No. 3 during his life time has complied with the order passed by this Court dated 20th June, 2018 and the main prayer in CS No. 110 of 2018 is with regard to discharge of obligation and duty as sole executor of the Will dated 14th February, 1961 and for repair and renovation of the adjacent house which has been completed, nothing remains in the present suit.

Counsel for the plaintiff submits that in terms of the report executed by the original defendant No. 3 during his life time, prayers (a) and (b) of the original plaint has been complied with and as such this suit can be disposed of accepting the report filed by the defendant No. 3.

In view of the submission made by the Counsel for the plaintiff, CS No. 110 of 2018 is disposed of. The report submitted by defendant No. 3 be made as part of decree of CS No. 110 of 2018. Decree be drawn accordingly.

(KRISHNA RAO, J.)