

06.05.2025
DL.163

Court No. 652
sg

CO 2034 of 2023

**M/s. Sagarmall Dhanraj, (HUF) represented by
Sharad Kumar Baid
Vs.
Sanjib Kumar Mallick & Ors.**

Mr. Amrita Lal Dhar
....for the petitioner.

Mr. Sabysachi Sen
....for the opposite parties.

Present petition has been filed challenging the order no. 90 dated 18th April, 2023 whereby additional written statement filed by the defendant/petitioner was not accepted during the course of submission. Learned Counsel for the petitioner has submitted that in fact, while carrying out the amendment inadvertently Mr. Vivek Baid has been shown as to be the Karta of M/s. Sagarmall Dhanraj, whereas actually the Karta of the HUF is Mr. Sharad Kumar Baid. Learned Counsel submits that he will move an appropriate application before the learned Trial Court for carrying out this correction.

Learned Counsel for the petitioner/opposite party has also fairly submitted that additional written statement of defendant/petitioner may also be accepted.

In view of the submissions made the petition is disposed of with the following directions. :-

- i. The impugned order dated 18th April, 2023 is set aside.
- ii. Petitioner shall move an appropriate application before the learned Trial Court for correction in the name of Karta of M/s. Sagarmall Dhanraj, HUF.
- iii. In view of the submissions both the parties additional written statement dated 16th January, 2023 be taken on record as per rule.

Accordingly, present petition and all pending applications, if any, stands disposed of .

Learned Trial Court is directed to dispose of the matter expeditiously.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(Dinesh Kumar Sharma, J.)