

ORDER SHEET

APOT/392/2024
WITH
CS/159/2010

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

MEERA SEAL
VERSUS
CALCUTTA SAFE COMPANY LIMITED AND ORS.

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN
AND

The Hon'ble JUSTICE BISWAROOP CHOWDHURY
Date : 20th January, 2025.

Appearance:

Mr. Chayan Gupta, Adv.
Mr. Sayantan Chatterjee, Adv.
Mr. Partha Banerjee, Adv.
Mr. Amit Kr. Nag, Adv.

Mr. Sakya Sen, Sr. Adv.
Mr. Amritam Mandal, Adv.

Mr. Dhruva Ghosh, Sr. Adv.
Mr. Altamash Alim, Adv.

1. On the basis of the application of one Anup Ojha and Bhaskar Ojha, an order was passed for addition of parties.
2. In view of the fact that the carriage of proceeding lies with the plaintiff, a direction was passed upon the plaintiff to carry out the necessary amendment by way of addition of parties. It appears that the plaintiff did not carry out such amendment although oral prayer was made for extension of time to comply with such direction. The department appears to have carried out the amendment but in absence of any re-verification, the effect of the amendment order cannot be given effect to. However, at the same time, the application for review was filed, almost after a year since

the order of amendment of review of the order, by which the amendment was allowed.

3. It appears that since the amendment was not carried out by the present appellant, the suit was dismissed and consequently all connected applications including the review application were dismissed.
4. We feel that the review application was required to be heard as in the event the said review application is allowed, then there would not be any necessity for addition of parties and the said direction would stand recalled. In such a situation, the suit also cannot be dismissed.
5. The order directing dismissal of the suit shall remain stayed till disposal of the review application. However, for any interlocutory purpose, the parties may approach the learned Single Judge.
6. We have been informed that a prayer for condonation of delay is also made. It is needless to mention that in the event the prayer for condonation of delay is allowed, then only, the necessity of hearing the review application on merit arises.
7. The order impugned is modified to the aforesaid extent.
8. RVWO/19/2024 along with the connected applications being GA/1/2024 and GA/2/2024 stand revived.
9. The appeal stands disposed of.

(SOUMEN SEN, J.)

(BISWAROOP CHOWDHURY, J.)