

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

IA NO. GA/2/2025
In CS/112/2022

SURENDRA SINGH BENGANI
Vs
PRABHA SURANA

BEFORE:
The Hon'ble JUSTICE SUGATO MAJUMDAR
Date : 18th May, 2026.

Appearance:
Mr. Virendra Singh Bengani, Adv.
...for the plaintiff

Mr. Chayan Gupta, Adv.
Mr. Kaushik De, Adv.
Ms. Mohini Majumdar, Adv.
Mr. Raghav Munshi, Adv.
Ms. Ayelita Ghosh, Adv.
...for the respondent

The Court:- GA/2/2025 is an application praying for amendment of plaint and substitution of the defendant. The defendant expired, as manifest from the application itself, in the year 2023. As of now, there is no application for condonation of delay and setting aside of the abatement which had taken place long ago. The instant application is not maintainable because without setting aside abatement, substitution and name of the defendant cannot be inserted.

Accordingly, the instant application is disposed of and dismissed. However, the plaintiff is at liberty to file appropriate application for condonation of delay and setting aside abatement. As the suit has already been abated, the suit shall stand disposed of accordingly.

(SUGATO MAJUMDAR, J.)