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(Formerly Known as Capstan) Vs. Malay Kumar Chatterjee

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SooperKanoon Citation : sooperkanoon.com/1060578

Court : Kolkata

Decided On : Apr-04-2013

Judge : Sanjib Banerjee

Appellant : (Formerly Known as Capstan)

Respondent : Malay Kumar Chatterjee

Judgement :

GA No.1057 of 2013 AP No.808 of 2012 IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction CAPSTAN SHIPPING & ESTATES
LTD.(FORMERLY KNOWN AS CAPSTAN) Versus MALAY KUMAR
CHATTERJEE BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE Date :

4. h April, 2013.

Appearance: Mr.P.K.

Roy, Adv.Mr.Jayanta Kumar Mitra, Sr.Adv.Mr.Moloy Kumar Ghosh, Adv.The Court
: The submission made on behalf of the applicant herein was directed to be taken
down as made and is reproduced hereinbelow: Mr.Pramit Kumar Roy: It is the
submission on the part of Malay Kumar Chatterjee that inasmuch as the award is
signed by only one person and not signed by other person, the same may be
corrected by remitting the matter back.

However, Mr.Chatterjee does not give consent to set aside the award in its entirety.

This is an application for clarification of an order dated January 18, 2013, the opening sentence whereof reads as follows: Even the respondent agrees that the award is not sustainable and is liable to be set aside.

It is the recollection of counsel appearing for the respondent herein and the petitioner in AP No.808 of 2012, that such submission had been made on behalf of the applicant herein on January 18, 2013.

It is also the recollection of the Court that such submission had, indeed, been made.

There is no use for this dishonest application being considered any further since the recording of fact in the fiRs.sentence of the order dated January 18, 2013 does not require to be revisited.

Out of sheer generosity nothing more is said.

GA No.1057 of 2013 is dismissed with costs assessed at 3000 GM to be paid by the applicant herein to the petitioner in AP No.808 of 2012 and to the State Legal Services Authority in equal share within a week from date.

Urgent certified photocopies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(SANJIB BANERJEE, J.) kc.