

**Sanjay Kumar Bajoria Vs. Lata Devi Bajoria and Ors.**

**Sanjay Kumar Bajoria Vs. Lata Devi Bajoria and Ors.**

**SooperKanoon Citation :** [sooperkanoon.com/110330](http://sooperkanoon.com/110330)

**Court :** Kolkata

**Decided On :** Jun-21-2017

**Judge :** Biswanath Somadder

**Appellant :** Sanjay Kumar Bajoria

**Respondent :** Lata Devi Bajoria and Ors.

**Judgement :**

ORDER

SHEET APO No.121 of 2011 GA No.525 of 2011 with CS No.19 of 2009 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction ORIGINAL SIDE SANJAY KUMAR BAJORIA Versus LATA DEVI BAJORIA & ORS.BEFORE: The Hon'ble JUSTICE BISWANATH SOMADDER The Hon'ble JUSTICE SANKAR ACHARYYA Date : 21st June, 2017.

Mr.Jishnu Saha, Sr.Adv.Mr.Ravi Kapoor, Adv.Mr.A.Mukherjee, Adv.Mr.Ayan De, Adv.for the appellant Mr.Ratnanko Banerjee, Sr.Adv.for respondent Nos.1 to 9 Mr.Sakya Sen, Ms.DebaRs.Mallik, Adv.for respondent No.10 The Court : Since the appeal arises out of a decree but the appeal has been numbered as APO, a rectification of records is required to be effected by the Registry.

As such, let the files be sent to the appropriate department for re-registration/re-numbering.

The appeal and all connected proceedings shall, once reregistered/re-numbered, appear in the monthly list of July, 2017 under an appropriate heading.

(BISWANATH SOMADDER, J.) TR/ (SANKAR ACHARYYA, J.) OD-1 APO No.121 of 2011 CS No.19 of 2009 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction ORIGINAL SIDE SANJAY KUMAR BAJORIA Versus LATA DEVI BAJORIA AND OTHERS BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE The Hon'ble JUSTICE SIDDHARTHA CHATTOPADHYAY Date : 18th April, 2017.

Appearance: Mr.S.K.

Kapoor, Sr.Adv.Mr.Ravi Kapoor, Adv.Mr.A.K.

Mukherjee, Adv.Mr.Utpal Bose, Sr.Adv.Mr.Ratnanko Banerji, Sr.Adv.Mr.S.Mitra, Adv.Mr.V.Jnhunhunwala, Adv.Mr.Sakya Sen, Adv.The Court : Since the appeal is against a decree, let it go out of this list for lack of determination.

(SANJIB BANERJEE, J.) (SIDDHARTHA CHATTOPADHYAY, J.) bp.

APO121of 2011 C.S.19 of 2009 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction Original Side SANJAY KUMAR BAJORIA Versus LATA DEVI BAJORIA AND OTHERS BEFORE: The Hon'ble CHIEF JUSTICE MRS.MANJULA CHELLUR The Hon'ble JUSTICE JOYMALYA BAGCHI Date : 29th April, 2015.

For the Appellant : Mr.P.Chatterjee, Sr.Advocate with Mr.V.Jhunhunwala and Mr.S.Mishra, Advocates For the Respondent : THE COURT : Learned counsel for the appellant seeks time.

List it after vacation.

( MANJULA CHELLUR, C.J.) ( JOYMALYA BAGCHI, J.) Rs.AR(CR)

ORDER

SHEET APO No.121 of 2011 GA No.525 of 2011 CS No.19 of 2009 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction ORIGINAL SIDE SANJAY

KUMAR BAJORIA Appellant Versus LATA DEVI BAJORIA AND ORS. Respondents BEFORE: The Hon'ble CHIEF JUSTICE The Hon'ble JUSTICE SOUMEN SEN Date : 26th July, 2012.

For Appellant : Mr.Jishnu Saha, Mr.Asish Mukherjee, Advocates For Respondent Nos.7,8,11,12,14,15,18&19 : Mr.Kaushik Chowdhury, Advocate For Respondent No.10 : Ms.D.Dutta, Advocate The Court : We are informed by the learned Advocates for the parties that as expressed by the Court, the parties have referred the matter to a mediator Mr.N.G.Khaitan, a Partner of M/S.Khaitan & Co., Solicitor nominated as mediator.

He has already held two sittings in the matter.

In this fact situation, the matter stands adjourned for six weeks.

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

(J.N.PATEL, CJ.) (SOUMEN SEN, J.) SN.

Asst.Registrar(CR) APO No.121 of 2011 GA No.525 of 2011 CS No.19 of 2009 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction ORIGINAL SIDE SANJAY KUMAR BAJORIA Versus LATA DEVI BAJORIA AND OTHERS For Appellant : Mr.Jishnu Saha, Advocate.

For Respdt.nos.1-6 : Mr.D.Basak, Advocate.

For Respdt.no.10 : Mr.Jayanta Kumar Mitra, Sr.Advocate.

For Respdt.nos.13,16 & 17 : Mr.R.Banerjee, Advocate.

BEFORE: The Hon'ble THE CHIEF JUSTICE The Hon'ble JUSTICE SAMBUDDHA CHAKRABARTI Date : 9th November, 2011.

The Court : On the intervention of the Court, learned Counsel for the parties submit that they will consider whether the case can be settled through mediation and revert back to this Court in the matter in the next date.

Let this matter appear in the list on November 30, 2011.

(J.N.PATEL, C.J.) ( SAMBUDDHA CHAKRABARTI, J.) SS.

APOT No.83 of 2011 G.A.525 of 2011 C.S.19 of 2009 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction Original Side SANJAY KUMAR BAJORIA Versus LATA DEVI BAJORIA AND ORS.For Appellant For Respondents Appellant Respondents : : Mr.D.Basak, Advocate BEFORE: The Hon'ble JUSTICE BHATTACHARYA The Hon'ble JUSTICE DR.

SAMBUDDHA CHAKRABARTI Date : 21st March, 2011.

THE COURT learned advocate thereby praying : This matter has been mentioned by appearing for on extension behalf of of time the for respondents filing Cross Objection pursuant to the leave granted by this Court on 23rd February, 2011.

After hearing Mr.Basak, we extend the time.

Let the Cross Objection be filed in the Department in couRs.of today.

( BHATTACHARYA, J.) ( DR.

SAMBUDDHA CHAKRABARTI, J.) Rs.AR(CR) APOT No.83 of 2011 GA No.525 of 2011 CS No.19 of 2009 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction ORIGINAL SIDE SANJAY KUMAR BAJORIA Versus LATA DEVI BAJORIA AND ORS.For Respondent No.10 : Ms.D.Dutta, Advocate BEFORE: The Hon'ble JUSTICE BHATTACHARYA A n d The Hon'ble JUSTICE DR.

SAMBUDDHA CHAKRABARTI Date : 14th March, 2011.

This matter has been mentioned for modification of our order dated 23rd February, 2011 by which we directed the respondent to file cross-objection within a week from that date.

Learned advocate for the respondent no.10 submits that as the said order was received by the respondent only on last Friday, cross-objection could not be filed.

Time to file cross-objection is extended by two days from today.

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

(BHATTACHARYA, J.) (DR.

SAMBUDDHA CHAKRABARTI, J.) sm AR[CR].GA NO.525 OF 2011 APOT No.83 of 2011 WITH CS NO.19 OF 2009 IN THE HIGH COURT AT CALCUTTA CIVIL APPELLATE JURISDICTION ORIGINAL SIDE SANJAY KUMAR BAJORIA Versus LATA DEVI BAJORIA AND ORS.For Appellant : MR.S.K.KAPUR,SR.ADVOCATE,MR.J.SAHA,ADVOCATE For Respondent Nos.13,16 and 17 : MR.S.N.MOOKERJEE,SR.ADVOCATE, MR.RATNANKO BANERJEE MS.P.DAS CHOWDHURY,ADVOCATES For Respondent No.10 : MR.JAYANTA MIRA,SR.ADVOCATE For Respondent Nos.7,8 11,12,14,15,18 and 19 : MR.H.MITRA,SR.ADVOCATE, MR.D.BASAK, MR.K.CHOWDHURY MR.VIVEK JHUNJHUNWALA,ADVOCATES BEFORE: The Hon'ble JUSTICE BHATTACHARYA AND The Hon'ble JUSTICE DR.

SAMBUDDHA CHAKRABARTI Date : 23rd February, 2011.

The Court : Since this is an application in connection with an appeal preferred against rejection of part of the plaint, we propose to hear out the appeal itself by dispensing with the necessity of filing of formal paper book and the stay application be treated as informal paper book which contains plaint.

While passing the order impugned, the Learned Single Judge has also vacated the earlier interim order which was subsisting in the suit.

We, therefore, fix the appeal for hearing after a fortnight.

Till the disposal of the appeal, the interim order which was subsisting prior to the passing of the order impugned will continue from today.

All contesting defendants are at liberty to file crossobjection, if any, within a week from today and copy of such memorandum of cross objection must be filed by the learned Advocate for the appellant within the said period.

We also stay the operation of that part of the order impugned by which the Learned Single Judge has asked the plaintiff to amend the plaint and with further direction that in default the plaint will stand rejected as a whole till disposal of the appeal.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties within a week subject to compliance with all requisite formalities.

( BHATTACHARYA, J.) (DR.

SAMBUDDHA CHAKRABARTI, J.) sb.

A.R(C.R.)

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**