

Devvrat Gupta and ors. Vs. Shyam Saran Gupta and anr.

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SooperKanoon Citation : sooperkanoon.com/1161006

Court : Kolkata

Decided On : Aug-07-2014

Judge : Arijit Banerjee

Appellant : Devvrat Gupta and ors.

Respondent : Shyam Saran Gupta and anr.

Judgement :

ORDER

SHEET GA2488of 2013 With CS271of 2013 IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE DEVVRAT GUPTA & ORS.Versus SHYAM SARAN GUPTA & ANR.

BEFORE: The Hon'ble JUSTICE ARIJIT BANERJEE Date : 7th August, 2014.

Appearance: Mr.Kuldeep Mallick, Adv..for the petitioneRs.Mr.Nirmalya Dasgupta, Adv.Mr.Dibanath Dey, Adv..fo the defendants.

The Court: It appears from the records that interim order in terms of prayers (c) and (d) of the notice of motion was fiRs.passed on 22nd August, 2013.

Such order was passed ex parte almost one year ago.

The said order was extended from time to time and finally stood extended till further orders by this Courts order dated 17th April, 2014.

The plaintiffs attempt to serve the defendants having failed, substituted service by way of paper publication was directed by this Court by its order dated 28th September, 2013.

Such publication was made.

The defendants appeared and obtained direction for filing affidavit.

Today learned Advocate for the defendants files affidavit-in-opposition and states that the copy of the same was served on the plaintiffs learned Advocate on 2nd May, 2014.

However, no affidavit in reply has been filed till date.

He contends that this is a deliberate ploy of the plaintiffs to delay the hearing of the matter since the plaintiffs are enjoying an interim order which is causing substantial prejudice to the defendants.

Learned Counsel for the plaintiffs really could not offer any explanation as to why affidavit-in-reply has not been filed till date.

He prays for a weeks time to file affidavit in reply.

Such prayer is vehemently opposed by the learned Counsel for the defendants.

For the ends of Justice time to file affidavit in reply is extended by a week from date, subject to, however, payment of costs assessed at 200 GMS to be paid to the West Bengal Legal Service Authority, Darjeeling for being utilised for the benefit of the Juvenile Homes in that District.

Such cost must be paid within a week from date.

Let the matter appear as Adjourned Motion on 18th August, 2014.

(ARIJIT BANERJEE, J.) dg2

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