

Bulk Explosive Pvt Ltd Vs. Coal India Ltd and ors

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Court : Kolkata

Decided On : Aug-14-2014

Judge : Bench

Appellant : Bulk Explosive Pvt Ltd

Respondent : Coal India Ltd and ors

Judgement :

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ORDER

SHEET GA No.2547 of 2014 APOT No.427 of 2014 CS No.318 of 2006 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction ORIGINAL SIDE BULK EXPLOSIVE PVT LTD Versus COAL INDIA LTD AND ORS BEFORE: The Hon'ble CHIEF JUSTICE MRS.MANJULA CHELLUR The Hon'ble JUSTICE BANERJEE Date : 14th August, 2014.

Appearance: Mr.Joy Saha with Mr.Aditya Naskar Ld.

Advocates for the appellant.

Mr.Kalimuddin Mondal, Id.

Advocate For the respondent.

The Court :- The learned Judge was annoyed.

The facts as it depicts from the record, would deserve such annoyance.

Yet, for ends of justice, we condone the laches on the part of the appellant in proceeding with their suit, of course, subject to payment of cost.

The amendment was directed to be carried out on March 23, 2011, even in 2014, it was not done.

We direct the appellant to do so with utmost diligence.

Since Mr.Kalimuddin Mondal represents the Coal Companies we dispense with service of writ of summons.

Let Mr.Mondal appears for the respondent Nos.1 and 2, Coal Companies and file written statement within 4 weeks from the date of service of amended copy of the plaint that must be done within one week from date.

The appellant would, however, cause service of writ of summons upon the third defendant at the earliest.

The modified.

order The of the appellant learned would pay Single cost of Judge stands the appeal assessed at Rs.20,000/- to be paid to the Coal India Limited and Northern Coal Fields Limited jointly and Rs.20,000/- to Howrah District Legal Services Authority to be spent for the welfare of the inmates of the Juvenile Home in the District.

Payment of cost must be made within one week from date.

Both the appeal and the application are disposed of without any order as to costs.

(MRS.MANJULA CHELLUR, J.) (BANERJEE, J.) dg/

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