

John Gregory Apcar and anr. Vs. Thomas Malcom and ors.

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Court : Kolkata

Decided On : Sep-09-2014

Judge : Arijit Banerjee

Appellant : John Gregory Apcar and anr.

Respondent : Thomas Malcom and ors.

Judgement :

IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction Present :
The Honble Justice Arijit Banerjee 09.09.2014 GA1505of 2013 Suit No.413 of 1888 John Gregory APCAR & Anr.

versus Thomas MalCo.& ORS.GA1664of 2013 Suit No.413 of 1888 John Gregory APCAR & Anr.

versus Thomas MalCo.& ORS.MRS.Noelle Banerjee, Advocate with Mr.A.S.Molla, Advocate for the petitioners/applicants Mr.Ranjan Bachwat, Senior Advocate with Mr.Sanjoy Ginodia, Advocate Mr.Rudraman Bhattacharjee, Advocate Ms.Pubali Sinha Chowdhury, Advocate for the respondents Mr.Indranil Nandi, Advocate with Mr.D.P.Samanta, Advocate for the Official Trustee The Court :- Both these applications being GA1505of 2013 and GA1664of 2013 have been filed by one Stefano George Sarkies claiming diveRs.reliefs including that he is a baptized Armenian.

The Armenian Church Authority disputed his claim and ascertained from Primate, Bishop Haizoum Najarian Diocese of the Armenian Church of Australia and Newzeland that the Certificate of Baptism of the Armenian Church produced by the said Mr.Sarkies is a forgery.

On that basis the Armenian Church Authority filed an application under Section 340 of the Code of Criminal Procedure which was allowed by I.P.Mukerji, J.

by His Lordships order dated 7th May, 2014.

On an earlier occasion when these two applications were called on for hearing Mr.Bachawat, learned senior counsel produced a copy of a letter written by Mr.Pallav Samajdar, Advocate to Mr.Bachwats learned Advocate on record informing that he had no further instruction to appear on behalf of the applicant in the said two applications.

I had directed Mr.Bachwats learned Advocate on record to serve another notice on Mr.Samajdar, Advocate which was done.

On the next occasion, MRS.Noelle Banerjee appeared for the applicants but sought time to take instructions in the matter.

Today MRS.Noelle Banerjee appears on behalf of Mr.Sarkies, the applicant and states that she has no instructions in the matter.

In that view of the matter both the applications taken out by Mr.Sarkies stands dismissed without any order as to costs.

Affidavit in opposition of the Armenian Church Authority in GA1664of 2013 filed today in Court be kept on record.

(Arijit Banerjee, J.) ANC.

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