

COURT-I

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. No. 58 /2013

CORAM: 1. Hon'ble Member (J) Ms. Manorama Kumari

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 08th December, 2016, 10.30 A.M

Name of the Company		Sundari Devi. -Versus- Shri Parvati Cold Storage Pvt. Ltd. & Ors.	
Under Section		111A	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

MR. MOLLATH KR. CHAW **APPLICANT** *Merish to Sd/-*
6/8/2016 **ORDER** *Resp. No. 4* *S.K. Chatterjee*
8/12/16

The Ld. Lawyer appearing on behalf of the petitioner is present. On perusal of the record it is found that the sole petitioner Sundari Devi expired and to that effect a Substitution Petition vide CA No.576/2015 is pending for substituting the names of the legal heir namely Shri Rajendra Prasad Gupta, Shri Hiralal Shaw and Shri Santosh Kumar Gupta. During the pendency of CA application No.576/2015 one of the legal heir namely Shri Rajendra Prasad Gupta is also expired. To that effect another petition bearing No.CA401/2015 is filed by the petitioner to substitute the names of the legal heir of the deceased Shri Rajendra Prasad Gupta viz. Shri Rajesh Kumar Gupta, Shri Manoj Kumar Gupta, Shri Rakesh Kumar Gupta, Shri Mithun Kumar Gupta and Smt. Kusum Kumari Gupta. Heard the petitioner at length. CA application No.576/2015 is allowed and CA Application No.401/2016 is also allowed for substituting the names of the legal heir of Sundari Devi as well as legal heir of the deceased Rajendra Prasad Gupta respectively.

Both the applications i.e. 576/2015 and 401/2016 are disposed of.

On perusal of the record it is strange to see that without substitution of legal heir of the deceased Sundari Devi, one of her legal heir namely Shri Hiralal Shaw has filed to reply against the delay condonation filed by the petitioner and the petitioner also filed his rejoinder. None of the Ld. Lawyers representing the party has not taken account of the fact that without substitution of legal heirs of the petitioner, how one of the legal heir namely Shri Hiralal Shaw can file reply against the delay condonation! The said reply at this stage is infructuous and cannot be taken into record. The petitioner is directed to correct the cause title by substituting the name of the legal heir of the deceased Sundari Devi Sharma and Rajendra Prasad Gupta.

Fixed on 21.12.2016 for necessary order.

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(MANORAMA KUMARI)
MEMBER (J)