

(2026) 07 CAL CK 0131

In the Calcutta High Court, Original Side

Case No : IA No. CA/399/2026 and IA No. CA/397/2026 in CP/233/2008

Dunlop India Limited And E. V. Mathai & Sons

Date of Decision : 23-07-2026

Acts Referred:

Citation : (2026) 07 CAL CK 0131

Hon'ble Judges : Raja Basu Chowdhury, J

Bench : Single Bench

Advocate : Mr. Pratik Ghosh, Advocate, Mr. Avishek Roy Chowdhury, Advocate for the applicant; Ms. Tanushree Dasgupta, Advocate for the Official Liquidator

Final Decision : Disposed of

Judgement

IA No. GA/397/2026

1. This Court by an order dated 19th May 2026, considering the case made out, had allowed the application being IA No.CA/397/2026 in terms of prayers (a), (b) and (c) of the Judge's Summons. Subsequently, the department having noticed that there was an error in the Judge's Summons, by a office report dated 9th June 2026, brought such fact to the notice of this Court.

2. Though the matter has been pending in the list since 12th June 2026 and on repeated occasions it was called on, none appeared for the applicant. Today the learned advocate representing the applicant appears and submits that this Court ought to have considered the application for amendment of the Judge's Summons taken out in IA No.CA/399/2026 and as such non-appearance of the applicant is not much material.

3. I find that the application being CA/399/2026 was filed only on 15th July 2026. Noting the peculiar facts that the Judge's Summons has been incorrectly prepared, and the application for amendment thereof has been prepared long thereafter, the order dated 19th May 2026 stands recalled.

IA No.CA/399/2026

4. This is an application being IA No.CA/399/2026 for amendment of Judge's

Summons taken out by the applicant.

5. Having heard the learned advocates representing the respective parties and noting that there had been an inadvertent mistake in prayer (a) of the Judge's Summons taken out in IA No.CA/397/2026, let the same be amended in terms of prayer (a) of IA No.CA/399/2026.

6. The department is directed to carry out the amendment in course of this week.

7. The application being IA No.CA/399/2026 is accordingly disposed of.

8. The petitioner will serve an amended copy of the Judge's Summons on the office of the Official Liquidator on or before the matter is taken up next.

9. List this application being IA No.CA/397/2026 on 7th August 2026.