

Order No.34 dated 11.08.23

Today is fixed for passing order in respect of petition dated 01.02.21 submitted by defendant No. 1.

Parties file hajirah.

Submitting the petition defendant No. 1 has prayed for direction upon the plaintiff to submit updated accounts, order restraining plaintiff from transferring any fund from the Bank Account, directing him to reimburse money illegally utilised by him, removal of the plaintiff as administrator *pendente lite* and other allied relief. The defendant No. 1 contended that the plaintiff has indiscriminately spent money collected by him in his capacity as administrator *pendente lite*. He has spent such money exceeding his authority without intimating this court. Moreover he has not paid the municipal taxes and has utilised the sum collected by him for his personal expenses violating the directions of the court.

Plaintiff retorted submitting written objection that he is regularly complying the order of the court submitting return of income and expenditure. The arrear tax has accumulated from the their father and he has submitted application seeking waiver of payment of interest and penalty, otherwise he is regularly paying the taxes.

From the Order No. 6 dated 22.02.2019 I find that the plaintiff was appointed as the administrator *pendente lite* till disposal of this suit relating to the will in question. It was further directed that the plaintiff would open Savings Account for collecting the rents. Plaintiff shall be entitled to utilise such amount for payment of taxes of the suit property. Such amount may also be utilised for regular maintenance of the said building to the extent of Rs. 10,000/- *per mensem* and in case of any maintenance or repair work exceeding the amount of Rs.10,000/- prior sanction of the court to be taken. Plaintiff was further directed to tender monthly statement of accounts furnishing copies of vouchers in respect of the said statement of expenditure.

Defendant No. 1 submitted petition dated 09.09.2019 for setting aside the aforesaid order, which was rejected on contest *vide* Order No. 15 dated 11.03.2020.

Plaintiff has furnished statements and copies of vouchers/Bank statements from March 2019 to May 2023. Such statements/copies of documents are not sufficient to pin point :- (a) amount of rent received in the account; (b) interest accrued thereon; (c) documents relating to item-wise repair

Contd.....Order No.34 dated 11.08.23

work undertaken by the plaintiff and (d) detailed account of expenses (supported by vouchers) borne by plaintiff in maintaining the house in question. In order to clear the air I am of the opinion that before arriving at any decision in respect of the petition at hand the plaintiff must submit detailed balance sheet relating to statement of account and expenditure for the period extending from March 2019 to May 2023 duly supported by vouchers/bills, furnishing copy of the same to defendant No. 1, by the next date fixed.

To 01.09.23 for submission of detailed balance sheet and further order, if any.

D/C by me,

ADJ, FTC-II, Sealdah.

ADJ, FTC-II, Sealdah.