

April 16, 2024
Sl. No.34
Court No.19
s.biswas

CO 993 of 2024

Birendra Kumar Roy
vs.
Sri Sujoy Dhar and others

Mr. Aniruddha Chatterjee
Mr. Rahul Karmakar
Ms. Papiya Roy

... for the petitioner

The petitioner is aggrieved by an order dated March 6, 2024 passed by the learned Chief Judge, City Civil Court at Calcutta in Misc. Case No.1775 of 2022.

It prima facie appears that the opposite party nos.3 and 4 filed an application for being impleaded in the suit as beneficiaries. By the order impugned, the learned court added the opposite party nos.3 and 4 as parties to the suit. The suit was filed by the opposite party nos.1 and 2 for appointment of trustees for management of the trust property.

It is contended that irrespective of the provision of Section 74 of the Indian Trust Act, 1882, the added parties ceased to be beneficiaries under the trust deed and the application at their instance could not have been allowed without adjudicating their interest in the property.

The matters requires further consideration. Stay of all further proceedings as also the operation of the order impugned in Misc. Case No.1775 of 2022, up to August 31, 2024.

Service upon the opposite parties and affidavit of service to be filed on the next date.

Let the matter appear in the combined monthly list of June 2024, under the heading 'Motion' at the top.

(Shampa Sarkar, J.)