

OD-9 to 12

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

IA No.GA/5/2022

IN

CS/220/1868

BISWANATH MITRA

VS.

K. C. BASU

IA No.GA/8/2023

IN

CS/220/1868

BISWANATH MITRA

VS.

K. C. BASU

IA No.GA/10/2024

IN

CS/220/1868

BISWANATH MITRA

VS.

K. C. BASU

IA No.GA/11/2024

IN

CS/220/1868

BISWANATH MITRA

VS.

K. C. BASU

BEFORE:

The Hon'ble JUSTICE BIVAS PATTANAYAK

Date: 19th December, 2024.

Mr. Ayan Kumar Boral, Advocate for the applicant.

Mr. Souvick Mitra, Advocate for three Ex-trustees.

Mr. Meghnad Dutta, Mr. Arindam Paul, Mr. Subham Bandopadhyay,

Advocates for one of the beneficiaries.

Mr. Pourush Bandyopadhyay, Adv. for Joint Administrators.

Re : GA/5/2022

The Court : Perused the report of Joint Administrators dated 5th December, 2024.

In compliance to the order passed in GA/5/2022, the Joint Administrators conducted election for formation of new board of trustees to the estate of *Raja Sir Radha Kant Deb Bahadur*. The report shows that the Joint Administrators declared the result of the election and published the list of the newly elected members for forming the board of trustees as follows :

Kumar Mahendra Narayan Deb Branch

(a) Debraj Mitra – 20 votes

(b) Sanjib Mitra – 16 votes

Kumar Debendra Narayan Deb branch

(a) Saibal Deb – 21 votes

(b) Soumit Deb – 17 votes

It is also indicated in the report of the Joint Administrators that none of the *shebait*s have raised any objection with regard to process and/or manner of voting or the election. On the contrary, the *shebait*s expressed satisfaction to the manner the entire voting process was conducted by the Joint Administrators.

In view of the above, upon considering the report of the Joint Administrators, the following persons, namely, Debraj Mitra, Sanjib Mitra, Saibal Deb and Soumit Deb are appointed as the new trustees of the board of trustees of the estate of *Raja Sir Radha Kant Deb Bahadur*, since deceased. The said trustees shall discharge their duties in terms of the

order dated 7th October, 1996 as confirmed by order dated 9th April, 1999. The board of trustees shall be entitled to act by the majority decisions of the board of trustees. As suggested by the applicant and other *shebait*s, the life of the new board of trustees shall be valid for a period of three years with effect from 24th November, 2024. After expiry of such period of three years, the *shebait*s shall be entitled to select new trustees of the board of trustees by election, subject to confirmation by this Court. In the event, any of the trustees of the Board of Trustees of the trust estate commits any act which is contrary to interest of the trust estate, any of the *shebait*s shall be entitled to approach this Court seeking appropriate relief against him/her.

The Joint Administrators are discharged.

GA/5/2022 stands disposed of.

Re : GA/8/2023

Mr. Ayan Kumar Boral, learned Advocate for the applicant submits that GA/8/2023 may be disposed granting liberty to the applicant to approach the new board for redressal of his grievance.

None of the parties raise any objection to such submission.

Liberty granted as prayed for.

GA/8/2023 accordingly stands disposed of.

Re: GA/10/2024

Mr. Meghnad Dutta, learned Advocate appearing for one of the beneficiaries submits that his client has not received the annuity and surplus of the estate despite approaching the previous board. He seeks that liberty be granted to the applicant for approaching the new board of trustees in this regard.

None of the parties raise any objection to such submission.

Accordingly, the applicant-Ms. Ajanta De is granted liberty to approach the new board of trustees for redressal of her grievances relating to payment of annuity and surplus of the estate which shall be considered by the new board of trustees within a period of one month of submission of such representation.

(BIVAS PATTANAYAK, J.)

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