

OD-3-6

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/6/2022
In CS/220/1868

BISWANATH MITRA
Vs
K. C. BASU

IA NO. GA/7/2023
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

BEFORE:
The Hon'ble JUSTICE SUGATO MAJUMDAR
Date : 20th July, 2023

Appearance :
Mr. A. K. Boral Adv.

Mr. S. Mitra, Adv.

Ms. L. Pan, Adv.

GA/5/2022

The Court : Affidavit of service filed in Court today be kept in the record.

Learned Counsel for the trustee in GA No. 5 of 2022 craves leave to file necessary documents in the form of supplementary affidavit to

substantiate his contention. Leave is granted. Supplementary affidavit is to be filed within three weeks.

The matter will appear in the list on 21st August, 2023.

GA/6/2022

As agreed upon by the learned Counsel for the petitioner, the matter shall be taken up along with other applications in the subsequent stage.

Let the matter appear in the list on 2nd August, 2023.

GA/7/2023

The petitioner's grievance in GA/7/2023 is that shebaitship of the petitioner has been suspended illegally and abruptly which runs opposed to the scheme framed by Order dated 26th August, 2019. He prays for passing necessary order upon the members of Managing Committee, allowing him to continue shebaitship and to receive all the benefits including arrears of annuity and current annuity and along with other prayers.

Learned Counsel for the opposite party submitted that shebaitship right is only suspended but not terminated since even after his pala is over he retained possession of the estate which he is not entitled to do. Inviting attention of this Court to a portion of the Order dated 26th August, 2019, the learned Counsel submitted that there was a standing direction that all the shebait shall vacate the Thakurbari forthwith after expiry of his/her turn to perform the seba puja of the deity. Any breach of this direction shall entail coercive action against the erring shebait including cancellation of his/her shebayati right and his/her right to appointment as a trustee of the board of trustees of the trust estate located at Thakurbari at premises no. 33R, Raja Naba Kissen Street. It is not specifically mentioned who will take coercive action or whether decisions on any coercive action shall be subject to

scrutiny and/or approval of this Court. However, to resolve the dispute the present petitioner is directed to vacate the premises within seven days, if not done as yet. On vacating and/or handing over possession to the trustees within the stipulated time, the trustees shall revive the shebaitship of the petitioner forthwith.

Both the parties shall report the outcome on 2nd August, 2023 to this Court. The matter will appear in the list on 2nd August, 2023 under the heading 'Further order'.

The learned Registrar, Original Side shall appoint a suitable officer not below the rank of Assistant Registrar who will inspect and report whether the Petitioner is in occupation of any part of the 'Rajbati' located at 33/R, Raja Naba Krisna Street Kolkata – 700005 after lapse of seven days from passing of this Order. The inspection shall be made after seven days from passing of this Order. The report shall be placed on 2nd August, 2023. Cost of travelling and allied expenses shall be borne by both the parties equally.

GA/8/2023

Affidavit-in-reply filed is kept in the record.

This application shall be taken up along with GA/5/2022 on 21st August, 2023.

(SUGATO MAJUMDAR, J.)