

OD-1 & 2

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

IA NO. GA/61/2019
(Old No: GA/2161/2019)
In CS/2706/1955

SMT. GOURI SIRKAR & ORS./BROJESWAR SIRKAR
Vs
SUDESHNA SARKAR & ORS

IA NO. GA/49/2013
(Old No: GA/1817/2013)
In CS/2706/1955

SM. GOURI SIRKAR & ORS
Vs
SMT. SUDESHNA SIRKAR & ORS

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date : 18TH APRIL, 2023

Appearance :

Mr. B. Das, Adv.

Mr. S. Das, Adv.

Mr. A. Bose, Adv.

Mr. J. Dhar, Adv.

Ms. A. Sarkar, Adv.

Mr. A. Mandal, Adv.

Mr. S. Sen, Adv.

Mr. K. N. Mukherjee, Adv.

The Court : At the instance of the intervenor, the intervenor filed affidavit against in opposition in GA No.49 of 2013.

It is submitted by the learned Counsel that he has not made any application for addition of party but according to him, the court may, on its

own motion, add him as a party, if necessary. It is also contended by the learned Counsel that at the time of passing order in 2013, the Petitioner had expired.

It is further submitted by the learned Counsel for the Intervenor that till the fate of the application is decided, the Receiver shall not make any inspection and prepare inventory as directed in the Order dated 28th March, 2023 in respect of Ghatsila property.

The Order dated 28th March, 2023 was passed pursuant to order of the Division Bench dated 24th August, 2015. Till now, although the Division Bench was pleased to direct the Receiver to conduct inspection, the same order was not carried out. Subsequently, on 4th November, 2017, the Single Bench directed the Joint Receiver to visit the place, namely, Ghatsila with certain observations. At present the same orders are not varied or modified. Therefore, at this stage, I find no justification in stopping the Receivers from carrying out the directions contained in the order of the Division Bench dated 24th August, 2015.

GA No. 49 of 2013 shall be heard on the returnable date. Affidavit, if not completed, shall be done within the meantime.

Let the matter appear in the list on 17th May, 2023.

The Receiver shall submit a report on that date after inspection.

(SUGATO MAJUMDAR, J.)