

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

IA NO. GA/61/2025
In CS/1147/1947

SMT. SAILI GHOSE & ORS.
VS
DEBAPRIYO SEN & ORS.

BEFORE:

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 26th June, 2025.

Appearance:

Mr. Goutam Dey, Adv.
Mr. Abhijit Mondal, Adv.
...for the applicant 1A and 1B

Mr. H. Das, Adv.
...for the respondent.

1. The Court: Learned Advocates for the petitioner/defendant no. 1(a) and defendant no. 1(b) and learned Advocate for the defendant no. 2, 2(a) and 2a(i) are present.

2. The petitioner in the instant case has prayed for grant of leave to enter into an agreement with the developer for development of the subject property being premises no. 242/2D, Acharya Prafulla Chandra Road and 113A, Raja Dinendra Street, Police Station-Burtolla, Kolkata-700006, measuring about 15 Cottahs 05 Chittacks 17 sq. ft.

3. It is contended by the petitioner that in the Civil suit being 1147/1947, which was decreed by final decree dated April 9, 1959 passed by

His Lordship the Hon'ble Justice Prakash Chandra Mallick (as His Lordship then was) a scheme was framed together with a map annexed thereto.

4. It is further contended that the final decree by framing of the scheme was passed declaring the Shebaitship rights of the deities in respect of the parties therein as well as the confirming the scheme framed directing the parties to act on the condition of the scheme. The parties were also granted liberty to apply before the Court from time to time when occasion arises.

5. It is contended that Khagendra Nath Sen by his last Will and Testament being 1039 of 1990 probate of which is granted by this Court bequeathed all his movable and immovable properties among his legal heirs comprising his wife, two daughters and two sons.

6. It is also contended that the property is situated at premises no. 242/2D, Acharya Prafulla Chandra Road and 113A, Raja Dinendra Street, Police Station- Burtolla, Kolkata-700006.

7. It is also contended that to redeem the property and to generate an income for the debutter estate, the petitioners were trying to find out the prospective developer and thus one developer namely, Kavish Realtor Private Limited had approached the petitioner for developing both the said first property and second property on the certain terms and conditions.

8. Upon hearing the learned Advocates and considering the facts of the case, this Court is of the view that the petitioner has been able to make out a case for grant of permission to sell the subject property.

9. Thus, the prayer of the petitioners should be allowed.

10. Let there be an order in terms of prayers (a), (b), (c), (d) and (e) of the Notice of Motion dated 22nd May, 2025.

(BISWAROOP CHOWDHURY, J.)

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