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

IA NO. GA/38/2024
In CS/3973/1948

SRI SRI JAGAT JANANI THAKURANI & ANR.
Vs
SRI SUBROTA SAHA & ORS.

BEFORE:
The Hon'ble JUSTICE SUGATO MAJUMDAR
Date : 9th May, 2024.

Apperance:

*Ms.Rita Mukherjee, Adv.
..for the petitionrs.*

*Mr.Ramesh Chandra Paul, Adv.
..for joint receivers.*

The Court:- GA/38/2024 is filed by Prabir Khan, Dipti Khan and Bithika Saha. None is there to oppose the application.

The first contention of the petitioners is that the original petitioner no. 3(e) died intestate on 27th December, 2018 leaving behind her two sons namely, Prabir Khan, Pranab Kumar Khan and one daughter Bithika Saha. Prabir Khan and Bithika Saha are the present Petitioner nos. 1 and 3. Thereafter, Pranab Kumar Khan died on 26th December, 2019 leaving behind his widow Dipti Khan who is the present Petitioner no.2 herein being the sole legal heir and successor.

On demise of Pranab Kumr Khan, Dipti Khan being the Petitioner no.2 has become the sole shebait of the Plaintiff deity in place of deceased Pranab Kumar Khan.



It is contended in the petition that Plaintiff no.2 being Dipti Khan is not in a fit state of health for which she is unable to carry out the duties and obligation attached to the office of shebait. Therefore, she decided to relinquish all her right, title and interest to act as shebait of the Plaintiff deity, in favour of Petitioner no.1 herein and he has no objection if the entire shebapuja and is performed and expenses are borne by the Petitioner no.1 namely, Prabir Khan.

It is stated by the Petitioner no.3 in the same petition, that she resides far away from deity's temple at Kolkata; she is also pre-occupied with her personal matters and is unable to act as shebait. Therefore, the Petitioner no.3 is also desirous of relinquishing all her right, title and interest to act as shebait of the Plaintiff deity in favour of the Petitioner no.1 namely, Prabir Khan who is the legal heir and successor of Puspa Rani Khan, deceased. It is further contended that she has no objection if sheba puja is performed and expenses are borne by Prabir Khan.

It is further contended that the proposed relinquishments are not contrary to Deed of Endowment dated 1.11. 1871.

The original Deed of Settlement is annexed to the application. The proposed relinquishment, on bare perusal of the deed, appears not to be contradictory or offensive to the original deed.

It is not against the age-old law of hindu religious trust that one of the Paladars or some of the Paladars may relinquish their right in favour of the other existing Paladars if they are unable to or disables themselves to perform their duty attached to the office of shabaitship.



Therefore, the instant application is allowed. The office of the shebaitship of Petitioner nos. 2 and 3 namely, Dipti Khan and Bithika Saha stand relinquished in favour of the Petitioner no. 1, Prabir Khan.

Prayers (a) to (f) are allowed. Preliminary decree may be set out accordingly.

GA/38/2024 stands disposed of.

(SUGATO MAJUMDAR, J.)