

OD-1

ORDER SHEET

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

CS/4/2025
IA NO: GA/1/2025, GA/2/2025,
GA/3/2025, GA/4/2025, GA/5/2025

SANJANY CHOUDHARY
-VS-
DEWKI NANDAN CHOUDHARY AND ORS.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: March 27, 2025.

Appearance:

Mr. Rajarshi Dutta, Adv.
Mr. Sayantan Bose, Adv.
Mr. Shounak Mukhopadhyay, Adv.
Ms. Manisha Das, Adv.
Ms. Priyanka Gope, Adv.
... for the plaintiff

Mr. Suddhasatva Banerjee, Adv.
Mr. Altamish Alim, Adv.
Mr. Sumit Biswas, Adv.
... for the defendants

1. Mr. Rajarshi Dutta, learned Advocate, is appearing for the plaintiff.
2. Mr. Suddhasatva Banerjee, learned Advocate, is appearing for the defendants.
3. The matter is listed as "To Be Mentioned" on the prayer made by the counsel for the defendants.
4. Counsel for the defendants submits that due to interim order passed by this Court dated 9th January, 2025, the defendants are not in a position to pay the salary of the employees of the Trust as

well as the salary of the *Purohit* of the temple and as such, the defendants are facing great difficulties.

5. Counsel for the defendants further submits that the Trust is celebrating Hanuman Jayanti every year and this year Hanuman Jayanti is on 12th April, 2025. He submits that due to injunction order passed by this Court, the defendants are not in a position to perform Hanuman Jayanti. He submits that the defendant no. 1 is ready to spend the total expenditure to perform Hanuman Jayanti on 12th April, 2025 from his own expenditure and he will not claim any expenditure incurred for the said puja from the Trust fund.
6. The counsel for the defendant no. 1 submits that due to the interim order passed by this Court, the defendant is also not in a position to pay salary of the employees as well as *Purohit* of the temple. He prays for allowing the defendant no. 1 to pay salary of the employees and *Purohit* of temple of the Trust.
7. *Per contra*, learned counsel for the plaintiff submits that on 19th March, 2025, the defendants have made a prayer for modification of the order with respect of the payment of salary of the employees of the Trust but this Court refused to modify the order as prayed for by the defendants.
8. The counsel for the plaintiff further submits that if the defendants are interested to perform Hanuman Jayanti, the plaintiff will not stand in the way but a Special Officer can be appointed so that on

the supervision of the Special Officer, the Hanuman Jayanti can be celebrated on 12th April, 2025.

9. Learned counsel for the defendant no. 1 raised objection and submitted that the plaintiff has already filed an application being GA/2/2025 for appointment of a Receiver and if at this stage, a Special Officer/Receiver is appointed, it will amount to allowing the prayer made in GA/2/2025.
10. Heard the learned Counsel for the respective parties.
11. This Court finds that it is not in dispute that the plaintiff and the defendants are celebrating Hanuman Jayanti every year and this year the Hanuman Jayanti is on 12th April, 2025 and the defendant no. 1 prays before this Court and he will spend the expenditure for celebration of Hanuman Jayanti on 12th April, 2025 and he will not claim any amount from the Trust fund for the expenditure of celebration of Hanuman Jayanti.
12. Considering the same, this Court allows the defendant no. 1 to celebrate Hanuman Jayanti on 12th April, 2025 by incurring his own expenditure as submitted by the learned counsel appearing for the defendant no. 1 before this Court.
13. Though by an order dated 19th March, 2025, this Court refused to allow the defendant no. 1 to pay the monthly salary of the employees of the Trust by modifying the order dated 9th January, 2025 but considering the submissions made by the learned Counsel for the defendant no. 1 that the defendant no. 1 will also

pay the salary of the employees and *Purohit* of the Trust, this Court allows the defendant no. 1 for the present, to pay the salaries of the employees as well as *Purohit* of the Trust of his own fund and to keep proper accounts. The adjustment of the salaries of the employees and *Purohit*, if any, paid by the defendant shall be decided at the time of final hearing of injunction application.

(KRISHNA RAO, J)