

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

IA No. GA/6/2025

In

CS No. 4 OF 2025

SANJAY CHOUDHARY
VERSUS
DEWKI NANDAN CHOUDHARY & ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 11th April, 2025.

Appearance:

Mr. Sayantan Bose, Adv.

Mr. Rajarshi Dutta, Adv.

Mr. Shounak Mukhopadhyay, Adv.

Ms. Priyanka Gope, Adv.

For the plaintiff.

Mr. R. N. Jhunhunwala, Adv.

Mr. Suddhasatva Banerjee, Adv.

Mr. Altamash Alim, Adv.

Mr. Sumit Biswas, Adv.

Ms. Rajashree Bhowmick, Adv.

For the defendant no.1.

Mr. P. K. Tiwari, Adv.

Mr. Rajendra Tiwari, Adv.

Mr. Shantanu Mishra, Adv.

For the defendant no.3.

Mr. Ayan Chakraborty, Adv.

Ms. Sohini Mukherejee, Adv.

For the defendant no.4.

The Court: This is an application by the plaintiff in a suit instituted under the provisions of Section 92 of the Code of Civil Procedure, 1908. There are allegations and counter allegations from the side of the plaintiff and the defendant no.1.

The defendant no.2 remains unrepresented.

The defendant nos. 3, 4 and 5 are the Banks who are not be required to be heard at this stage of this application as it relates to the disputes between the plaintiff and the defendant no.1.

It appears that the fight between the plaintiff and the defendant no. 1 at the present moment encircles around the holding of the Hanuman Jayanti related puja and functions at the ancestral place of the plaintiff and the defendants No. 1 and 2 situate at Ratangarh, District: Churu, Rajasthan. The urgency in hearing this matter is because the puja and functions relating to Hanuman Jayanti is to take place on Saturday, 12th April, 2025, which may spread over for a day or two further.

In order to have the Hanuman Jayanti puja and functions to take place in an amicable ambiance and to avoid any unnecessary commotion between the plaintiff/petitioner and the defendant/respondent no.1, the following directions are given:

- 1) The plaintiff/petitioner shall be permitted to stay in two rooms at the first floor of the Dharmasala at Ratangarh. The plaintiff/petitioner shall not interfere with the other parts or portions of said Dharmasala save and except for staying there at and using the common facilities for use and enjoyment of the two rooms as earmarked between 11th

April, 2025, 6 p.m. in the evening and 14th April, 2025, 6 a.m. in the morning.

- 2) The defendant no.1 shall be at liberty to use, occupy and enjoy the rest portions of Dharmasala in question which is available for his use.
- 3) The defendant no.1 shall hold the puja and the functions relating to Hanuman Jayanti at the place in question out of his own cost and expenses as previously directed by this Court.
- 4) The plaintiff/petitioner may contribute money as offering to the goddess, but he shall not insist in contributing to the cost and expenses for holding the puja and the festival.
- 5) The plaintiff/petitioner shall conduct the puja or the allied functions or insist upon doing so but shall be allowed to freely participate in the puja and the functions.
- 6) The plaintiff/petitioner shall vacate the two rooms in the first floor of the Dharmasala by delivering the vacant possession to the management of the said Dharmasala without leaving any belongings inside or putting any padlock thereto.

The entire arrangement as aforesaid is without prejudice to the rights and contentions of the parties in the suit and has been allowed as a temporary measure to have the Hanuman Jayanti puja and the functions to take place in an amicable ambiance.

With the passing of the direction as aforesaid, it is apparent that nothing further remains to be adjudicated in this application.

The application being IA No. GA/6/2025 in CS No. 4 of 2025 is, accordingly, disposed of.

Since I have not called for affidavit, allegations contained in the applications are deemed to have not been admitted by the defendants/respondents.

(ARINDAM MUKHERJEE, J.)

snn.