

ORDER SHEET

IA No.GA/1/2026

IN

CSOS/3/2025

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

MALATI TULSHAN

VS.

KAILASH NEVATIA

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 30th September, 2026.

Mr. Ayan Boral, Mr. Rabindra Kr. Pathak, Mr. Saptarshi
Chakraborty, Mr. Sabyasachi Hazra, Advocates for the applicant.

Mr. Supratim Laha, Adv. for Mahesh Tulshan.

The Court : Despite service the defendant in this Originating
Summons suit remains unrepresented.

This Originating Summons suit was filed by Malati Tulshan
inviting the Court to answer the following questions :

- a) Whether Malati Tulshan, wife of late Jagdish Prasad Tulshan
can be appointed as a Principal Trustee Rai Soorajmull
Bahadur Charitable Trust/Fund as a legal heir and legal
representative of Jagdish Prasad Tulshan since deceased
after his death?
- b) Whether the plaintiff is having an interest in the trust
estates and has the permanent right to participate in the day
to day affairs of the Trust?
- c) Whether the plaintiff having an interest in the Trust is
entitled to receive notices, reports, intimation about minutes

of the meeting of the trust, board meeting of the trust, accounts, enquiries, schemes and other similar purposes and other documents with respect to the functioning and permanent right to run of said Rai Soorajmull Bahadur Charitable Trust?

The present applicant claims to be the executor to the last Will and Testament said to have been left behind by Malati Tulshan. Before the executor is permitted to proceed in the place and stead of the plaintiff, since deceased in this Originating Summons suit it is necessary to ascertain whether any right to sue survives in favour of the executor in the backdrop of the facts and circumstances of the instant case.

Mr. Supratim Laha, learned Advocate appears on behalf of Mahesh Tulshan claiming to be the senior most member of the trust in question with regard to which the questions have been asked by the plaintiff, since deceased. Mr. Laha submits that his client Mahesh Tulshan should be permitted to join the proceedings.

The matter therefore requires to be heard after affording the defendant in this Originating Summons suit an opportunity to disclose his stand on affidavit. Let affidavits be filed.

Let affidavit-in-opposition be filed by 16th November, 2026; reply thereto, if any, be filed by 30th November, 2026. Let this matter appear in the monthly list of December, 2026.

(ARINDAM MUKHERJEE, J.)