

ORDER SHEET

OD-33-35

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

IA No. GA/18/2022

In

CS/286/1976

BHUPESH KUMAR MAHAWAR
VERSUS
MAHABIR PRASAD MAHAWAR & ORS.

IA No. GA/19/2023

In

CS/286/1976

BHUPESH KUMAR MAHAWAR
VERSUS
MAHABIR PRASAD MAHAWAR & ORS.

IA No. GA/20/2024

In

CS/286/1976

BHUPESH KUMAR MAHAWAR
VERSUS
MAHABIR PRASAD MAHAWAR & ORS.

BEFORE:

The Hon'ble JUSTICE BIVAS PATTANAYAK

Date: 2nd August, 2024.

Appearance:

Mr. Chayan Gupta, Adv.

Mr. Ovik Sengupta, Adv.

Mr. Saptarshi Bhattacharjee, Adv.

For the plaintiff.

Mr. Sunil Kumar Singhania, Adv.

For the defendant nos. 1(a), 1(b)[i], 1(b)[ii], 3(a), 3(b)[i], 3(b)[ii], 3(b)[iii], 3(b)[iv], 3(c), 4(a)[i], 4(a)[ii], 4(d)[i], 4(d)[iii], 4(e), 4(f), 5f[i], 5f[ii], 6(b), 6(c), 6(d), 6(e)[ii], 6(e)[iv] and 6(e)[iii], 13(a), 13(c), 15(a), 15(b), 15(c), 15(d), 16, 17 and 18.

Mr. Jayanta Kumar Sanyal, Adv.

Mr. Subhankar Chakraborty, Adv.

For the Joint Receivers.

The Court:- The report filed by the learned Joint Receivers is taken on record. Let the same be circulated amongst the respective parties.

Supplementary affidavit filed on behalf of the plaintiff in compliance with the order dated 16th May, 2024 is also taken on record.

Mr. Chayan Gupta, learned advocate appearing for the plaintiff, submits that pursuant to the order dated 16th May, 2024 inspection and visit were made by the Joint Receivers which in its report disclosed that defendant no.9(b) is trying to alienate the property at Manumarg, Alwar, Rajasthan. The fact was brought to the notice of the Court which granted liberty to the plaintiff to file an application in the form of affidavit. He prays for injunction be issued in respect of the properties mentioned in paragraph no.11 of the supplementary affidavit, excepting from the properties noted under sl. Nos. 6(d), (g), (h) and (i) against which the injunction order has already been passed by this Court.

Mr. Jayanta Sanyal, one of the Joint Receivers, submits that he has visited the property at Alwar, Rajasthan and has taken possession of the same. He has tried to lodge complaint before the SHO, Kotwali Police Station, but till date no action has been taken.

Mr. Sunil Kumar Singhania, learned advocate appearing for the defendants noted hereinabove, does not object to the submission advanced on behalf of the plaintiff.

Upon hearing the learned advocate for the plaintiff, submissions made by Mr. Sanyal, learned Joint Receivers, and on perusing the report of the Joint Receivers, primarily it is found that there is an apprehension of the

alienation of the property by the defendant no. 9(b) for which reason the properties of *M/s. Girdharilal Ghasiram* needs to be protected.

Accordingly, the parties to the suit are directed not to sell, alienate, transfer or create a third party interest, except with the prior permission/leave of the Court, on the property of the estate belonging to *M/s. Girdharilal Ghasiram* morefully described in paragraph no.11 of the supplementary affidavit as follows:

(i) At Calcutta : (a) 27, Amratolla Street, Calcutta, (b) Plot No. 17/2/E/17 Canal West Road, Narkeldanga, Calcutta, (c) One Room in First Floor in premises no. 3 Amartalla Street (the firm *M/s. Girdharilal Ghasiram* is a tenant of the same); **(ii) At Delhi :** (a) Premises no. 4060 at Nayabazar, Delhi, (b) Kamlanagar; **(iii) At Alwar :** (a) Dhatariya Bhawan Manumarg, (b) Plot no. 54 Taj Mandi, (c) Plot no. 23 Taj Mandi, (d) Building at Purana Ratia (Near Jaganath Temple); **(iv) At Rajgarh (Rajasthan) :** (a) *M/s. E(B)harat Oil Mills/Rajgarh Oil Mills*, (b) *M/s. Shree Krishna Dal & Flour Mills*, (c) Agricultural Land behind oil Mills at Station Road, (d) Residential Land behind Dal Mills at Station Road, (e) Agricultural land-cum-Begichi known as *M/s. Rajgarh Agricultural Farm* at Station Road (including two shop rooms and one pucca well constructed therein), (f) Two trucks nos. (1) Truck No. RSL 34B TEL (2) Truck no. RSM 5147 Ley Land; **(v) At Alleff(pp)y (F(K)erala :** One puccas building known as “J.P. Building” in the name of Jagdish Prasad Pannalal; **(vi) Shop at Rev(w)ari;** **(vii) At Koshikalan (U.P.) :** (a) Building no. 1253 Bazare Kalan, (b) Building no. 1250 Bazar Kalan, (c) Building no. 1250A Bazar Kalan, (d) Building no. 1879 Baldevgan (this building is mortgaged with the firm since more than 20 years), (e) Building no.

1549/1550, Saraishahi Mohalla, (f) Agricultural land between Bagidi and railway line at Birhana, (g) Land at Kashibahal (Nandgaon area) in the name of Kishorilal Ramkumar; **(viii) Land at Guntoon (A.P.)**.

The local police station in which the properties are situated are directed to ensure that there is no encroachment over the aforementioned properties by any third party.

The learned Joint Receivers are granted liberty to communicate this order to the Municipal Authorities of the respective zones, District and Sub-Registrars of the respective districts, local police stations where the aforesaid properties are situated.

The learned Joint Receivers shall visit the properties and file a status report on the returnable date.

List this matter after four weeks.

(BIVAS PATTANAYAK, J.)