

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

IA NO.GA 1 OF 2021
IN
CS 153 OF 2021
IN THE MATTER OF :
ABDUL HADI AND ORS.
VS
QADRI DAWAKHANA AND ORS.

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date : 26th July, 2023.

Appearance:
Mr. Rupak Ghosh, Adv.
For plaintiffs
Mr. Indrajit Sen, Adv.
Mr. S.Medda, Adv.
For defendant nos. 2 to 7
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The Court : The subject matter of challenge in this suit is a document termed as Award of Panchayat/Panchs dated 31st August, 2014.

After considering the materials on record and hearing the parties, I find that the disputes in the present suit can be resolved through mediation as it relates to intense dispute between family members concerning family properties. The plaintiffs are agreeable that the matter to be sent to mediation. The learned Advocate for defendant nos.2 to 7, however, seeks an adjournment to take instruction.

On merits it has been argued on behalf of the plaintiffs that a monthly sum of Rs. 20,000/- was agreed to be paid in terms of the Award of Panchayat/Panchs but the same has not been paid. The lumpsum amount to be

paid under the award has also not been paid. The award apart from having no legal sanctity has also not been acted upon. The defendant nos.2 to 7, however, oppose the application on the ground that the document which is termed as the Award of Panchayat/Panchs has been acted upon by payment of money and through other acts.

The plaintiff nos. 1 and 2 have accepted the benefit under the Award of Panchayat/Panchs and should not be allowed to resile out therefrom by challenging the award.

The defendant nos.2 to 7 also say that the monetary compensation per month as directed under the said Award has been duly paid to the plaintiff nos.1 & 2. All of a sudden from 2018 the plaintiffs have stopped receiving the money given under the Award. The mala fide intent of the plaintiff, according to the defendant no. 2-7 is apparent from filing of the suit

This matter is adjourned till 16th August, 2023 when the defendant nos.2 to 7 shall provide the particulars of the amounts which have been paid till 2018.

The interim order passed in favour of the plaintiffs, which is still in subsistence, is extended till 30th September, 2023 or until further order whichever is earlier.

(ARINDAM MUKHERJEE, J.)

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