OD-9

ORDER SHEET

IA NO. GA/1/2025
IN
CS/53/2025
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

MOHUA MULLICK & ORS.
VS
INDIRA ROY & ANR.

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 26th June, 2025

Appearance:
Mr. Dhruba Ghosh, Sr. Adv.
Mr. Supratim Laha, Adv.
Mrs. Anisha Kochar, Adv.
Ms. Ajeeya Choudhury, Adv.
For plaintiff/petitioners
Mr. Rahul Karmakar, Adv.
Ms. Papiya Roy, Adv.
For defendant no.1

The Court :- Affidavit of service filed in Court today is taken on record.

After hearing the parties it appears that the moot question is in respect of meeting the statutory expenses, the expenses for regular deba seva and the periodical festivals of the family deities. Before the disputes between the two groups of shebaits being four sisters on one side and another sister on the other side, in connection with the aforesaid matters, can be effectively gone into, it is necessary that the accounts of the estate pertaining to the dues on account of statutory rates and duties, the expenses on account of the regular deba seva and periodical festivals and the withdrawals made from the funds of the debuttar estate being Sree Sree Mahadeb Jew & Ors formed under the Deed of Arpan-nama dated June 6, 1949 (restricted to the properties as is described under the heading of Lot A in the consent decree dated May 7, 1982 and Sree Sree Lakshmi Narayan Jew formed under the Deed of Arpan-nama dated June 6, 1949 (restricted to the properties as is described under the heading of Lot A in the consent decree dated May 7, 1982 (hereinafter collectively referred to as the said estate) are scrutinized by a chartered accountant.

By consent of parties, Mr. Niladri Chatterjee of N. Chatterjee & Associates having his office at 40/6, Dharmadas Kundu lane, Howrah-711102 is appointed as the chartered accountant to scrutinize the accounts of the estate inter alia pertaining to the heads as aforesaid.

The scope of work of the chartered accountant will be;

1) To collect the facts and figures from the five shebaits with supporting documents.
2) To scrutinize the facts and figures with supporting documents, if any, and collect them.
3) To allow the shebaits to lodge protest against any expenses or heads of account put forth by any other shebaits.
4) The statutory rates, taxes and duties in respect of the estate to be ascertained after considering the demand notices and any other documents pertaining thereto and penalty and interest component involved therein.
5) The withdrawal from the funds and the bank accounts of the estate by any of the shebaits.

6) To ascertain the amount which is claimed to have been spent by any individual shebait for carrying out the deva seva periodical festival and the pala after scrutinizing the same with the supporting documents.
7) The expenses, if any, made on account of maintenance of the immovable property/properties wherein the deities are consecrated or any other property of the estate after tallying the same with supporting documents.
8) The tenure of the scrutiny by the chartered accountant will be from 23rd July, 2015 till 30th June, 2025.
9) The Chartered Accountant shall finalise the accounts for this period and place it before the Court on the next date.
10) The remuneration of the chartered accountant being appointed under this order shall be fixed by the said Chartered Accountant in consultation with the parties and borne out by the funds of the estate subject to final approval by this Court.

All the shebaits shall render effective cooperation to the chartered accounted appointed under this order. The present chartered accountant, namely, B.De and Co., of 173B, Raja Dinendra Street, Calcutta – 700004 shall render all cooperation to the chartered accounted appointed under this order by supplying facts and figures and supporting document, if any.

In order to operate the pala which is to be observed by the branch comprising of the five shebaits being the plaintiffs and the defendant no.1 in this suit which I am told is to commence from July 2025 and continue for the next one year, some money is required to be withdrawn from the funds of the estate maintained with bank. At the present to continue the pala from July 2025 for at least few months, this Court feels that if a sum of Rs.2.5 lakhs is permitted to be withdrawn from the funds of the estate without prejudice to the rights and contentions of the plaintiffs and the defendant no.1 as also subject to the scrutiny by the chartered accountant appointed under this order, the same will be fair and reasonable. The defendant no.1 against whom an allegation is made that she being one of the signatory to the cheque has refused to sign the same in past which is, however, disputed by the defendant no.1, shall sign the cheque or cheques aggregating to Rs. 2,50,000/- without prejudice to her rights after the four sisters comprising the plaintiffs sign the same. The cheque should be signed by 27th June, 2025 so that the money can be withdrawn before 30th June, 2025 and accounted for in the period for which the chartered accountant has been appointed to scrutinize the accounts and finalise the same under this order.

The sum of Rs. 2.5 lakhs which is permitted to be withdrawn shall be spent by the plaintiffs only for the pala commencing from July 2025 and for no other purpose. The plaintiffs shall furnish detailed account of the money spent to the chartered accountant as also to the defendant no.1.

Let the exercise by the chartered accountant be concluded by 29th August, 2025. The chartered accountant shall file the finalized account for the period aforesaid with his report, if any, in a sealed envelope to this Court when the matter is taken up next.

The defendant/respondents shall be free to file their affidavits if they so chose to file by 31st July, 2025; reply, if any, be filed by 20th August, 2025.

Let the application appear in the monthly list of September 2025 under the heading “Adjourned Motion”.

(ARINDAM MUKHERJEE, J.)

Sb/