

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

IA NO. GA/1/2025
In ATA/3/2021

IN THE MATTER OF ESTATE BHOLANATH DASH
AND TAPAS KUMAR DAS AND ORS
Vs
PRASUN KUMAR SATPATI

BEFORE:
THE HON'BLE JUSTICE SUGATO MAJUMDAR
Date: 19th June, 2025

Appearance:

Mr. Debasish Roy, Sr. Adv.
Mr. Biswajib Ghosh, Adv.
Ms. Sumitra Das, Adv.
...for the Applicant in GA/1/2025

Mr. Chayan Gupta, Adv.
Mr. Anujit Mookherji, Adv.
Mr. Prithish Chandra, Adv.
...for the Petitioner

Mr. Ratul Das, Adv.
Mr. Anirudhya Dutta, Adv.
...for the Defendant

The Court: ATA 3 of 2021 has been filed under Section 7 of the Charitable and Religious Trusts Act, 1920 and is pending for consideration of prayer of grant of leave to the trustees to sell out part of trust properties.

GA 1 of 2025 is an intervention application in that pending ATA 3 of 2021.

It is contended in GA 1 of 2025 that the trust in question is a private trust. The purpose of the trust being exhausted, the trust has become extinct. The Petition

contains various allegations of mismanagement and misappropriation of trust property and trust fund respectively. The Petitioner of GA 1 of 2025 (Petitioner refers to Petitioner of GA 1 of 2025) is a legal heir and successor of the original settler. He is a necessary party in the original proceeding; without addition, the Petitioner would be prejudiced in respect of his rights and interests.

In Affidavit-in-Opposition, the contents of the instant application were refuted. It is contended that the trust is a public and charitable trust. Certain beneficiaries are named in the trust deed. Trust fund, according to the trust deed, was to be applied for religious and charitable purposes. No specific line of descendants, except the named few, therein, was specified as beneficiary of the trust. It is contended that the Petitioner is not a beneficiary of the trust and he has no *locus standi* to participate in the proceeding.

Affidavit-in-Reply is filed by the Petitioner denying the contents of affidavit-in-Opposition.

I have heard the rival submissions.

On perusal of trust deed has annexed, it appears that there is no specific line of descendants specified to beneficiary. Trust fund, according to the trust deed, is to be applied for and continued to be applied for public charity and others as mentioned therein. The Petitioner never approached this Court for seeking any opinion on extinction of the trust; it is his own opinion that the trust deed is a private trust and had been extinct. His plea is destructive to the trust. The Petitioner has not approached this Court seeking remedy against the trustee for their alleged mismanagement and misappropriation of money. The Petitioner *prima facie* does not appear to be a beneficiary of the trust. Section 7 of Charitable and Religious

Trusts Act, 1920 has a very limited scope even them not being a beneficiary the Petitioner cannot seek for intervention in the present proceeding.

Accordingly, the instant application, namely, GA 1 of 2025 is dismissed and disposed of.

Fix 28th July, 2025 for hearing ATA 3 of 2021.

(SUGATO MAJUMDAR, J.)