

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
IA No. GA/1/2025
In
CS/68/2025

RADHIKA KEJRIWAL

-VS-

SHYAM SUNDAR MODI AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 1st December, 2025.

Appearance:

Mr. Rajeev Kumar Jain, Adv.

Mr. Kunal Shaw, Adv.

Ms. Yamini Mahawal, Adv,

For plaintiff

Mr. Moti Sagar Tiwari, Adv.

Ms. Shweta Poddar, Adv.

Ms. Soumili Paul, Adv.

For defendants

The Court: The matter was adjourned on 3rd November, 2025 due to bereavement in the family of plaintiff/petitioner and for the assurance given from the side of the defendant no.1, who is own brother of the plaintiff/petitioner that the matter is likely to be resolved amicably.

Despite expiry of and about a month's time, there is no progress as to the settlement and, as such, the matter is taken up for hearing on merits.

Although, there was no direction yet the defendants have affirmed an affidavit on 6th September, 2025 which they intend to

use as an affidavit-in-opposition in this proceedings. The said affidavit is taken on record.

The plaintiff/petitioner is granted time to file affidavit-in-reply till 23rd December, 2025.

Let this matter appear in the monthly list of January 2026 under the heading "Adjourned Motion".

The interim order which is in subsistence is extended till 15th February, 2026 or until further orders whichever is earlier.

The plaintiff has lost her husband very recently and as submitted by her advocate is in dire financial crisis. The plaintiff also has a minor son, whose expenses are to be mitigated. The plaintiff says that the defendants have admitted that the plaintiff has 1/4th share of and in the estate comprising of one immovable property. It is not in dispute that the defendants are collecting rent and/or occupational charges from the occupants of the said premises. The total collection as per the report of the special officer appears to be about Rs. 2 lakhs per month. The defendants are directed to pay 1/4th share of the collections to the plaintiff since the share of the plaintiff in the estate left behind by her mother is at least 1/4th share. So the plaintiff's share will be approximately Rs. 50,000/-. For the time being, the plaintiff should be given Rs.50,000/- per month being her admitted share in the usufructs of the building in question from the month of December, 2025.

The petitioner shall be entitled to receive any additional sum, if found due on scrutiny. Similarly, the petitioner will have to refund any excess money that may be received by her.

So far as the arrears are concerned, the defendants shall pay the same from the date of death of the father of the petitioner and the defendant no. 1 by three equal monthly installments calculating the arrears @ Rs.50,000/- per month starting from 15th January, 2025.

(ARINDAM MUKHERJEE, J.)

Sb/