

ORDER SHEET

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

IA NO. GA/1/2024
In CS/196/2024

JUGAL KISHORE SADANI AND ORS.
VS
MOHIT BHATIA AND ANR.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : 7th October, 2024.

Appearance :

Mr. Jishnu Chowdhury, Adv.
Mr. Nilay Sengupta, Adv.
Mr. Altamash Alim, Adv.
Mr. Sujit Banerjee, Adv.
Ms. Ananya Barik, Adv.
...for the plaintiffs.

Mr. Chayan Gupta, Adv.
Mr. Pourush Bandyopadhyay, Adv.
Mr. Rajesh Upadhyay, Adv.
...for the defendants.

The Court: Mr. Jishnu Chowdhury, learned Counsel, is appearing for the plaintiffs.

Mr. Chayan Gupta, learned Counsel, is appearing for the defendants.

In compliance of the order dated 4th October, 2024, the plaintiffs have served the notice to the defendants and the defendants are appearing.

Counsel for the defendants submits that the allegation made by the plaintiffs is not correct and the plaintiffs have also suppressed several material facts in the present suit.

Counsel for the defendants further submits that before conducting the election of the society, notices were issued. The plaintiffs have refused to accept the notices and the defendants have also circulated the notice of the election in the whatsapp group but in spite of having the knowledge, the plaintiffs have not attended meeting and the said fact was suppressed in the present suit.

Counsel for the plaintiffs has handed over several documents showing that the plaintiffs have refused the notice which was returned to the defendants. The plaintiffs have also handed over one register showing that notice with respect of the date scheduled were issued.

The plaintiffs have also produced certain documents showing the notice of Annual General Meeting with date scheduled and the statement of accounts.

Counsel for the plaintiffs submits that if the defendants are maintaining all the documents, let a special officer be appointed for taking all the xerox copies of the document which the defendants are relying upon and the same be placed before this Court in a sealed cover on the next date of hearing.

Counsel for the plaintiffs submits that the plaintiffs have made the said prayer before this Court only with the apprehension that the document are connected with regard to the management of the society and there is every apprehension that the defendants may create any documents within the vacation period.

Counsel for the defendants submits that he has no objection if a Special Officer is appointed and the defendants will give all the xerox copies of the documents which the defendants will rely upon in the affidavit in opposition.

Heard the learned Counsel for the respective parties.

Without prejudice to the rights and contention of the parties, Ms. Shreya Bhojnagarwal, learned Counsel Mobile No: 9007687000, is appointed the Special Officer with a direction to collect xerox copies of all the documents from the defendants which the defendants will rely upon in their affidavit in opposition or in the written statement.

The defendants are directed to provide xerox copies of all the documents to the Special officer which they are intending to reply upon in the affidavit in opposition and in the written statement on or before 10th October, 2024. The

Special Officer is directed that after receipt of xerox copies of the documents from the defendants, the Special Officer shall make list of the documents and will keep the same in a sealed cover and submit the report along with the documents before this Court on the returnable date. The remuneration of the Special Officer is fixed at Rs.1 lakh.

It is made clear that this order is made only for the purpose of preservation of the record of the defendants but this order is passed without prejudice to the rights and contentions of the parties on merit.

The plaintiffs are directed to pay the remuneration to the Special Officer before 10th October, 2024.

List the matter on 13th November, 2024.

(KRISHNA RAO, J.)

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