

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

IA No. GA/2/2022
In
CS/240/2022

ANUP JAISWAL AND ORS.
VS
ROHIT KEDIA

AND

IA No. GA/1/2022
In
CS/240/2022

ANUP JAISWAL AND ORS.
VS
ROHIT KEDIA

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : February 13, 2023.

Appearance:

Mr. Meghnad Dutta, Adv.
Mr. Arindam Paul, Adv.
Ms. Parna Mukherjee, Adv.
... for the plaintiffs/petitioners

The Court: Counsel for the plaintiffs is present.

The plaintiffs have filed the instant application being GA/2/2022 praying for appointment of Receiver for collection of rent. Counsel for the petitioners/plaintiffs submits that by an agreement dated 4th August, 2008, the plaintiffs have inducted the defendant as a tenant with respect of ground floor and second floor admeasuring 1250 sq.ft. in each floor totaling 3750 sq.ft. situated at municipal premises no.539, Rabindra Sarani, P.S.

Shyampukur, Kolkata-700003 for initially at the monthly rent of Rs.6,500/- which has now been enhanced to Rs.12,000/- per month. It has been submitted that the defendant had sublet the suit property to one Kinkar Senapati who is the tenant of adjacent property and the defendant is receiving the monthly rent of Rs.80,000/- from the said Kinkar Senapati.

It appears that the petitioner has made averments and on the basis of the averments, the petitioners intend to appoint a Receiver for collection of rent from the occupier of the property in question but there is no concrete documents filed by the plaintiffs to prove that the defendant had sublet the property to Kinkar Senapati and the defendant is receiving the monthly rent of Rs.80,000/-. This Court finds that for the interest of justice, before deciding the instant application, a Special Officer is to be appointed to ascertain whether who in occupation of the premises in question and how much rent is being paid by the occupier of the property in question to the defendant.

Ms. Tiana Bhattacharyya, learned Advocate of Bar Library Club, High Court at Calcutta (contact no.8274885779) is appointed as the Special Officer to ascertain the following :

- (a) Who is in occupation of the first floor and the second floor measuring an area of 3750 sq.ft. at municipal premises no.539, Rabindra Sarani, P.S.- Shyampukur, Kolkata-700003.
- (b) Whether Sri Kinkar Senapati is in occupation of the suit premises or not.

- (c) Whether said Kinkar Senapati is paying monthly rent to the defendant, if he is paying any monthly rent to the defendant, what is the quantum of monthly rent.
- (d) If Kinkar Senapati is found not in occupation of the property, who is in actual possession of the property in question and who is paying the monthly rent.

The remuneration of the Special Officer is fixed at Rs.25,000/-. The petitioner is directed to pay the remuneration of the Special Officer and to make necessary arrangement so as to enable the Special Officer to reach the suit property for inspection. Before inspection, the Special Officer should issue notice to all the parties of the suit by fixing the date and time of inspection.

The Special Officer is directed to file the report before this Court within four weeks.

Let the matter appear on 16th March, 2023.

(KRISHNA RAO, J.)