

IA NO. GA 17 of 2020
(Old No: GA 1194 of 2020)
In CS 199 of 2015

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

BALARAM DEVELOPERS PVT. LTD. & ANR.
Vs
MANIKLAL CHOWDHURY AND ORS.

BEFORE:
The Hon'ble JUSTICE ARINDAM SINHA
Date : 5th October, 2020.

Appearance:
Mr. Chayan Gupta, Adv.
Mr. I.R. Basu, Adv.
Mr. Prantik Garai, Adv.
Mr. Dwip Raj Basu, Adv.
...for the petitioners

Ms. Lapita Banerji, Adv.
Mr. Yash Vardhan Deora, Adv.
Mr. Nikunj Berlia, Adv.
Mr. Sukanta Ghosh, Adv.
....for respondents.

The Court: This application is by plaintiff. Mr. Gupta, learned advocate appears on behalf of applicant and submits, at present he is pressing for prayer (c), (d) and (e). Defendant nos. 1 to 4 and 12 to 18 are represented.

Court has enquired regarding orders of appointment of Joint Receivers over the property and some orders have been perused. It appears Joint Receivers were appointed in an earlier suit, since withdrawn and this suit filed thereafter. There has been continuance regarding directions upon Joint Receiver in earlier and the present suit.

On query from Court appearing defendants indicated their unwillingness to bear any cost regarding the property or remuneration of Joint Receivers. Mrs. Banerjee, learned advocate appears for defendant nos. 12 to 18 and submits, plaintiffs have no title in the property since the property is a Thika property.

There is, amongst others, prayer in the application for proportionate occupational charges being recovered from user of the property, as pleaded in paragraph 25. Court will give its attention to this prayer as well since unless defendants can prove prima facie, by producing document, that the property is Thika property and belongs to State, occupying defendants may be held to be liable to pay occupational charges in this application, of course without prejudice to their contentions in the suit. For the time being, defendants might consider sharing with plaintiff, costs of protecting the property and Receivers' remuneration.

List on 12th October, 2020.

(ARINDAM SINHA, J.)