

ORDER SHEET

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

CS/303/2022

LAKKHI KAR AND ORS.
-VS-
SHIBU KAR

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : September 5, 2024.

Appearance:

Mr. Sujit Banerjee, Adv.
Mr. Altamash Alim, Adv.
Mr. Nilay Sengupta, Adv.
...for the plaintiffs

Mr. Pradip Kr. Kundu, Adv.
Mr. Diptyendu Kr. Pal, Adv.
... for the defendant

Mr. Pritam Choudhury, Adv.
... Receiver

The Court: Mr. Sujit Banerjee, learned Advocate, is appearing for the plaintiffs.

Mr. Pradip Kr. Kundu, learned Advocate, is appearing for the defendant.

Mr. Pritam Choudhury, learned Receiver appointed by this Court is also present.

By an order dated 26th June, 2024 this Court has appointed a Receiver with the direction to prepare the list of tenants and rent of each premises. It was also directed to the Receiver that he shall collect the monthly rent from the premises month by month from the month of July,

2024 and to issue rent receipt and the counterfoil to be submitted before this Court in every three months.

In terms of the order passed by this Court, the Receiver has submitted the report before this Court dated 20th August, 2024 wherein it is mentioned that on 2nd August, 2024 the Receiver has visited the third schedule property being 10B, Jackson Lane, and after considerable deliberation it was found that the defendant claims to be the tenant of the said premises and the defendant has handed over the rent receipts. The Receiver has also visited the fourth schedule property i.e. 72, Old China Bazar in which a sub-tenant was inducted by the defendant for the last five years and the defendant has fixed the monthly rent at Rs.2000/-. The Receiver has also visited the fifth and sixth schedule properties and found that the number of the fifth schedule property is wrongly mentioned in the plaint and the correct number of the fifth schedule property is 110/1M, Kashipore Road wherein the defendant claims to be the tenant under one Radhagobinda Kansabanik and Nitai Kansabanik and the defendant is using the said premises for himself and the defendant informed that he is depositing the rent to the Rent Controller. The Receiver further stated that the correct number of the sixth schedule property is 110/1E, Kashipore Road and in that premises also the defendant claims to be the tenant under one late Dulal Dutta for the last 15 years but the defendant has not paid any rent to any person with respect of the said property. The Receiver also submitted the report with regard to the third schedule property i.e. 10B, Jackson Lane which is being used by Md. Imtiaz Ahmed but the said occupier, namely, Md. Imtiaz Ahmed denied to make any payment or licence fee to the Receiver.

Considered the report submitted by the Receiver.

Md. Imtiaz Ahmed who is in occupation of 10B, Jackson Lane being the third schedule property, is directed to pay Rs.10,000/- per month from the month of August, 2024 to the Receiver. If he fails to pay the said amount, the Receiver is directed to take police help to shut down the shop room.

The Receiver is directed to submit the report on the next date fixed.

List the matter on 27th November, 2024.

(KRISHNA RAO, J.)

RS