

Appellant Vs. Respondent

Appellant Vs. Respondent

SooperKanoon Citation : sooperkanoon.com/1060071

Court : Kolkata

Decided On : Sep-26-2012

Judge : I. P. Mukerji

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET ATA 6 of 2012 IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE In the goods of: RAI BHAGWAN DAS BAGLA BAHADUR'S MARWARI HINDU HOSPITAL & ORS BEFORE: The Hon'ble JUSTICE I.P.MUKERJ.Date :

26. h September, 2012.

For Plaintiff/Petitioner :Mr.R.Ghoshal,Advocate Mr.P.Dhar,Advocate
Mr.R.Medora,Advocate Mr.R.L.Mitra,Advocate For Defendant/Respondent :
Mr.S.Bose,Advocate Ms.C.Ghosh,Advocate The Court : This is an application by
the trustees of a religious and charitable trust.

The trust runs a charitable Hospital, Rai Bhagwan Das Bagla Bahadurs Marwari Hindu Hospital.

It is at premises nos.128 and 130 Harrison Road, Kolkata- 700007.

The trustees say that part of the property has been encroached upon by trespassers. Furthermore, there is need to augment the fund of the trust.

They can only do so by selling the hospital property, which is the only substantial property of the trust.

On the application being moved, on 30th July, 2012 I had directed the trustees to make publication of the contents of the application in one English newspaper and one hindi newspaper having substantial circulation in Kolkata.

The publication has accordingly been made on 20th August, 2012 in The Statesman.

and Prabhat Khabar.(in Hindi).Further to the advertisement, the trustees have received an offer by letter dated 7th September, 2012 from Khetan Housing Development PVT.LTD.who would take this property measuring 9 cottahs 18 sft.

on an as is where is basis for a total consideration of Rs.4.11 Crores.

Considering the above, leave is given to the trustees to conclude the sale in favour of Khetan Housing Development Pvt LTD.according to their offer letter dated 7th September, 2012.

I may add that it is submitted by Mr.Ghoshal that there are no patients in the hospital.

The purchase price is to be invested by the trustees in a term deposit with the State Bank of India, Kolkata Main Branch, Kolkata earning the highest rate of interest.

The trustees should file a report to this Court to this effect.

If the trustees have any proposal for utilization of this trust money apart from the purposes, provided in the deed, they will apply to this Court for appropriate orders.This application is accordingly disposed of.

All parties concerned are to act on a signed photo copy of this order on the usual undertakings.

(I.

ssaha AR(CR) P.

MUKERJI, J.)

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com