

indra Kumar Das and Another Vs. Sailendra Kumar Das

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Court : Kolkata

Decided On : Jul-23-2012

Judge : I. P. Mukerji

Appellant : indra Kumar Das and Another

Respondent : Sailendra Kumar Das

Judgement :

GA No.1336 of 2012 CS No.1760 of 1964 IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION ORIGINAL SIDE Indra Kumar Das
& Another Versus Sailendra Kumar Das Before: The Honble Justice
I.P.MUKERJ.Date:

23. d July 2012 Appearance: Mr.Sakya Sen, Advocate Mr.Indranil Nandi,
Advocate Mr.S.K.

Mallick, Advocate Mr.Abhijeet Ganguly, Advocate Ms.Pratima Mishra, Advocate
My attention is drawn to the order dated 15th June 2009 of Patherya, J.

The Court directed the Official Receiver to furnish the accounts to the shebait and
transfer all funds in his hands in favour of the deity.

Learned Counsel for the Official Receiver is unable to apprise the Court as to the
exact funds in his hands.

As we all know the deity is a perpetual minor and all deeds and acts on his behalf are done by the shebait.

So according to this order, the funds have to be transferred to the shebait.

As it appears from the submissions, all the original parties have died.

There is a dispute regarding inheritance and shebaitship.

Let proper steps be taken for this purpose.

In the meantime, I appoint Mr. Prasan Ghosh, Advocate, 8/2, Kiran Sankar Roy Road, 1st Floor, Room No.8, Kolkata as Receiver to collect the funds from the Official Receiver in terms of the order dated 15th June 2009.

The Receiver will be entitled to open a bank account in a nationalised bank.

He will also be entitled to receive the rents, issues and profits from the property.

Day to day management will be carried out by the Receiver in consultation with the parties.

Necessary expenditure may be made in this behalf.

The surplus may be invested in a term deposit in the above bank.

The Receiver will appropriate 300 GMS per month out of the funds or income as his remuneration.

The Receiver is appointed by consent of the parties.

Affidavit-in-opposition be filed by 6th August 2012.

List this application on 22nd August 2012.

Affidavit-in-reply, if any, may be filed in the meantime.

The Official Receiver, the Receiver and all parties are to act on a signed photocopy of this order on the usual undertakings.

(I.P.MUKERJI, J.) R.

Bose AR(CR)

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