

Bijay Kumar Agarwal Vs. Narayani Devi Agarwal and ors.

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Court : Kolkata

Decided On : Oct-16-2012

Judge : Sengupta

Appellant : Bijay Kumar Agarwal

Respondent : Narayani Devi Agarwal and ors.

Judgement :

GA No.2833 OF 201.APOT No.493 OF 201.WITH CS 6.of 2011 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction ORIGINAL SIDE BIJAY KUMAR AGARWAL Versus NARAYANI DEVI AGARWAL & ORS.BEFORE: The Hon'ble Mr.KALYAN JYOTI SENGUPTA, ACTING CHIEF JUSTICE The Hon'ble JUSTICE ASIM KUMAR MONDAL Date :

16. h October, 2012.

Mr.Suman Dutt, Advocate for appellant Ms.Somali Mukhopadhyay, Advocate .for respondent 2.

The Court :- It appears that the prayer (a) has not been worded properly.

Let inappropriate word be deleted and appropriate word be used and this shall be done in couRs.of today itself by the learned Advocate-on-record of Mr.Dutt.

Subject to compliance of above there will be an order in terms of prayer (a).Despite service of notice, none appears for any of the respondents except respondent No.2.

After hearing Mr.Dutt and learned Advocate for respondent No.2 we think at this stage some interim measure is required to be taken as it is seriously alleged that properties are not properly looked after by the joint ReceiveRs.According to Mr.Dutt order of status quo is not subserving the interest of the parties vis--vis the properties in question.

We, therefore, direct Joint Receivers to forthwith take symbolic possession of the entire premises.

They shall make an inventory of the premises in question and while doing so if any portion is found to be vacant physical possession thereof shall be taken forthwith.

The Joint Receivers shall ascertain how many occupants and/or tenants are occupying the said building.

They shall ascertain what is the status of their occupation and what is the rent and/or occupation charges are being paid by the occupants in question and to whom.

All details shall be collected after making inventory and a comprehensive report shall be submitted before Court.

It is made clear in the event any change of possession takes place after taking symbolic possession by the Joint Receivers that will automatically be taken care of appropriately.

The Court will take appropriate measure in this regard.

It is also alleged that breaching the prohibitory order of the Court during pendency of this suit there have been changes of the possession on frequent occasion.

Therefore, leave is granted to take appropriate action.

Let affidavit-in-opposition be filed by all the respondents, if so advised within two weeks after Puja Vacation, reply within two weeks thereafter.

The matter will appear five weeks after Puja Vacation.

All parties including Joint Receivers are to act on a signed photostat copy of this order on the usual undertakings.

(KALYAN JYOTI SENGUPTA, A.C.J.) (ASIM KUMAR MONDAL, J.) GH.

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