

**Malvika Foundation and ors. Vs. Eiilm Foundation and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/1089680](http://sooperkanoon.com/1089680)

**Court :** Kolkata

**Decided On :** Oct-03-2013

**Judge :** Nadira Patherya

**Appellant :** Malvika Foundation and ors.

**Respondent :** Eiilm Foundation and ors.

**Judgement :**

GA No.3063 of 2013 GA No.2176 of 2013 CS No.251 of 2013 IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE MALVIKA FOUNDATION AND ORS.-Versus EIILM FOUNDATION AND ORS.Appearance: Mr.Surojit Nath Mitra, Sr.Adv.Mr.Deepak Jain, Adv...for the plaintiff.

Mr.Hirak Mitra, Sr.Adv.Mr.Tilok Bose, Sr.Adv.Mr.Debjyoti Basu, Adv.Mr.Vijaya Bhatia, Adv.Mr.Ganesh Prasad Shaw, Adv...for the defendant Nos.1, 2, 4 & 5.

Mr.R.L.Mitra, Adv.Mr.P.Dhar, Adv...for the defendant No.6.

BEFORE: The Hon'ble JUSTICE PATHERYA Date : 3rd October, 2013.

The Court : It is only for survival of the subject institute that a committee was appointed by order dated 5th August, 2013.

the The three-member committee consisted of a representative of petitioner, a representative independent representative.

documents have the respondents and an Meetings have been held by the three member committee from time to time.

certain of been On behalf of the respondents placed before the three-member committee and for disbursement of sums the documentary evidence is sought.

There can be no dispute about the documents needed but the only thing that is objectionable is the representative of the petitioners seeking time to take instructions from his client.

The representative should be so equipped so as to take spot decision on behalf of the petitioners and ought not to seek to revert to Court as this was not the intention for which the threemember committee was appointed.

this committee.

All decisions were to be taken by In the event directions are sought from Court this would mean a break down in the workings of the three-member committee.

As by this petition the respondent seeks disbursement of sums and the petitioners are seeking documentary evidence in respect thereof, Mr.Sandip Mukherjee, advocate, 1st floor, Bar Library Club is appointed Special Officer to consider the amounts that need to be disbursed, as sought in this petition.

The Special Officer will be entitled to an initial remuneration of 500 GMs.to be realised from the funds of the Institute.

Let all documentary evidence be placed before the Special Officer and a decision be taken by him at the earliest.

Copies of the supporting documents be handed over to the petitioners representative.

Report, however, be filed by the Special Officer on the reopening.

Directions are given for filing affidavits.

Let affidavit in opposition be filed within two weeks after the long vacation; reply thereto, if any, be filed within two weeks thereafter.

Matter to appear in the list five weeks after the long vacation.

Special Officer and all parties concerned are to act on a signed photocopy of this order on the usual undertakings.

(PATHERYA, J.) As/pkd.

A.R.[C.R.].

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