

Nathany Charitable Trust Vs. Sri Krishna Kumar Nathany and ors.

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Court : Kolkata

Decided On : Nov-28-2013

Judge : Arijit Banerjee

Appellant : Nathany Charitable Trust

Respondent : Sri Krishna Kumar Nathany and ors.

Judgement :

ORDER

SHEET A.C.R.6 of 2013 IN THE HIGH COURT AT CALCUTTA ORDINARY ORIGINAL CIVIL JURISDICTION ORIGINAL SIDE NATHANY CHARITABLE TRUST Versus Sr.KRISHNA KUMAR NATHANY & ORS.BEFORE: The Hon'ble JUSTICE ARIJIT BANERJEE Date: 28th November, 2013.

Appearance: Ms.Usha Doshi, Adv.The Court: This is an application under Section 7 of the Charitable and Religious Trusts Act, 1920.

The Trust has several properties all over India.

The Trustees seek leave of this Court for sale of two of the properties situate at Pupri, District Sitamarhi in the District Bihar and at Muzzaffarpur also in the District Bihar, on the ground that these properties have become a liability of the Trust and are unused for several yeaRs.It is stated on behalf of the Trustees that the proceedings of sale of these two properties can be utilized for repairing, renovation

and up keeping of the other properties of the Trust.

The Trustees passed a resolution for sale of the said two properties on 3rd August, 2012 and a copy thereof is annexed being annexure D to this petition.

Pursuant to the orders of this Court, this application has been advertised in the daily newspapers once in The Statesman in Kolkata publication and once in The Telegraph in Patna publication.

Having considered the facts and circumstances of the case and the submission made on behalf of the petitioners, this Court grants leave to the petitioners to take steps for sale of the aforesaid two properties.

The petitioners will be at liberty to invite bid for the said two properties by way of public auction or private treaty and the same will be placed before this Court thereafter.

Let this matter appear after two months from date and in the meantime the petitioners will take necessary steps.

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

(ARIJIT BANERJEE, J.) sg2

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