

OD-28

ORDER SHEET
GA 2 OF 2021
ATA 2 OF 2019
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

RE-TRUST ESTATE OF HARIMATI DEY

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

Date : 19TH March, 2021.

Appearance:
Mr. Ayan Kr. Boral, Adv.
Ms. Bishalaxmi Ghosh, Adv.
For the Applicants

The Court : The applicants seek re-call of the order dated August 29, 2019.

Learned Advocate appearing for the applicant submits that, a petition under Section 34 of the Indian Trust Act, 1882 was filed by two persons as petitioners, claiming themselves to be the sole surviving trustees. In fact, they were not so. Such petitioners relied upon translation of trust deed which such translation according to the applicants are not corrected. According to the applicants, the petitioners misled the Court to pass the order dated August 29, 2019. Purporting to act on the basis of such order dated August 29, 2019 the petitioner created third party interests in respect of an immovable property belonging to the trust. One Mrs. Sarbani Ghosh purchased the immovable property from the petitioner subsequent to the order dated August 29, 2019. He submits that, the petitioners could not be served at the addresses described in

the cause title. He seeks leave to serve the petitioners at the alternative addresses. He seeks leave to serve the purchaser also.

In the facts and circumstances of the present case, it would be appropriate to permit the applicants to serve the petitioners at the alternative addresses. The applicants will also serve a copy of this application upon the purchaser.

List the application under the same heading on March 31, 2021.

(DEBANGSU BASAK, J.)

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