

ORDER SHEET

OD-25

CSOS 2 of 2020
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

SHRI BIJAY SHANKAR HALWASIYA AND ORS.
VERSUS
THE ADVOCATE GENERAL OF WEST BENGAL

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 21st December, 2020.

(Via Video Conference)

Appearance:
Mr. Deepnath Roy Chowdhury, Adv.
Mr. Ayan Chakraborty, Adv.
Mr. Hareram Singh, Adv.
Ms. S. Mukherjee, Adv.
For the plaintiffs.

Mr. D. B. Mallick, Adv.
Ms. D. Banu, Adv.
For the Intervenor.

The Court: By this originating summons, all the trustees are before Court seeking modification of the scheme formulated of the administration of the trust to the extent of permitting the trustees to maintain books of accounts in English language.

It appears that, by a decree dated December 1, 1941 passed in Suit No. 47 of 1934, a scheme was formulated for the management of the trust on the basis

of the Terms of Settlement filed by the parties. Such scheme underwent amendments time to time on the basis of orders passed on originating summons.

All the trustees are before Court claiming that for maintaining the cash book and the ledger in Hindi as provided in the scheme sanctioned by the Court, is difficult. All the trustees want the accounts of the trust including the cash book and ledger of the trust to be maintained in English language. There is a resolution of the trustees to such effect.

Originally, a scheme of administration of the trust accepted by the Court provided for maintaining the books of accounts of the trust in English. The same was amended on November 12, 1950 to the effect that, cash book and ledger are to be maintained in Hindi.

In such circumstances, since originally the books of accounts including the cash book and the ledger were to be maintained in Hindi and since all the trustees now want that the books of accounts including cash book and ledger of the trust be maintained in English Language, it would be appropriate to allow the same.

Clause 24[i] of the scheme of the administration for the trust is amended to allow the trust to maintain all accounts of the trust including cash book and ledger in English language.

Mr. Amitesh Banerjee, Senior Advocate appears for the learned Advocate General of West Bengal submits that, the learned Advocate General does not object to the prayers being considered by the Court and suitable orders being passed on the application.

One person claiming to be a member of the committee formulated by the presenting committee is represented. Such committee member is at liberty to avail of his remedies before the appropriate forum in accordance with law.

CSOS No. 2 of 2020 is disposed of accordingly.

(DEBANGSU BASAK, J.)

snn.