

**BISWANATH GHOSH VS. SOUMEN GHOSH
& ORS.**

Mr. Sudip Das
..for the petitioner

This revisional application has been filed by the petitioner challenging an order dated August 16, 2019 passed by the learned Civil Judge, Senior Division, Additional Court, Hooghly, in Title Suit No. 23 of 2006, by which the learned Court below has fixed the suit for peremptory hearing without calling for the accounts from the learned Receiver.

It is submitted that this Court should intervene and ensure that the learned Receiver is directed to submit the accounts by way of income and expenditure statement in respect of the suit property as directed by the learned court below. The suit is a partition suit. It is submitted that the suit property is an agricultural land the learned Receiver ought to keep the accounts with the income from the said property. Unfortunately, the same has not been done and the learned Court below which appointed the learned Receiver without issuing a mandate on the learned Receiver to submit the accounts is continuing with the suit. It is also submitted that the huge amount of money

is going unaccounted for and the estate is suffering huge loss, in respect of which the petitioner is also, co-sharer. There is nothing on record, for this Court to arrive at a conclusion that the petitioner had brought this to the notice of the learned Court below by filing an application, inviting the Court to take a decision on the alleged negligence, laches, and disobedience of the learned Receiver.

Under such circumstances, this revisional application is disposed of. If the petitioner applies before the learned Court below for appropriate orders on the allegations made before this Court, the same will be disposed of in accordance with law upon notice to all parties.

This Court has not gone into the merits of the claim and also the conduct of the learned Receiver and the learned Court below shall decide the entire issue in accordance with law.

This revisional application is disposed of.

There will be however no order as to costs.

Urgent photostat certified copy of this order be given to the parties on priority basis, if the same is applied for.

(Shampa Sarkar,J.)

