

OD-3

ORDER SHEET
APOT 21 of 2021
With
CS No. 190 of 2019
IA No. GA 1 of 2021
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

SNEHLATA GUPTA AND ORS.
VERSUS
GOPAL KUMAR GUPTA

BEFORE:

The Hon'ble JUSTICE I. P. MUKERJI

AND

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date : 18th February, 2021.

(Via Video Conference)

Appearance:

Mr. Surajit Nath Mitra, Sr. Adv.

Mr. Arik Banerje, Adv.

Mr. Ayan Dutta, Adv.

Mr. Rajib Mullick, Adv.

Mr. Utpal Bose, Sr. Adv.

Ms. Hashnuhana Chakraborty, Adv.

Mr. Debjyoti Manna, Adv.

Mr. Sutanu Karmakar, Adv.

The Court : This appeal from the judgment and order dated 5th February, 2021 made by a learned single judge of this court appointing a receiver for the purpose of making an inventory of the occupiers and ascertaining the occupation charges paid by them, is formally admitted.

Mr. Surajit Nath Mitra, learned senior advocate appearing for the appellants contends that it is undisputed that for a very long time his client is managing the property in question which has several occupants. In an earlier suit, CS No. 130 of 2019, which is pending for enforcement of an agreement of partition between the parties, this court on 20th August, 2019 had directed the parties to maintain status quo with regard to, inter alia, the subject property situated on Canning Street. He says that if the receiver enters the property, it would have a prejudicial effect on the business of his clients and his clients' relationship with the occupiers.

Mr. Utpal Bose, learned senior advocate appearing for the respondent, submits that if the receiver makes the inventory as directed, it would cause no prejudice to the appellants, but will assist the court in determining the number of occupiers, the rent paid, etc.

On consideration of the submissions made by learned counsel for the parties, we find that the matter is returnable on 26th February, 2021 before the learned single judge to receive the report of the receiver and for passing further orders.

At this stage, we direct Mr. Mitra's advocate on record to furnish a list of occupiers and the rent payable by each of them to Mr. Bose's advocate on record, by 22nd February, 2021. Thereupon, on 24th February, 2021, both the learned advocates shall visit the property in question informally where this list can be cross-checked.

This in our opinion would cause prejudice to neither the appellants nor the respondent.

The result of this exercise shall be reported to the learned single judge when the matter is taken up next. At that point of time it would be open to the learned single judge to direct formal visit, inspection and inventory of the said property and preparation of a list of occupants by the appointed receiver.

The interim application may be considered by the learned single judge subject to his convenience on the said returnable date i.e. 26th February, 2021.

With the above modification to the order of the learned single judge dated 5th February, 2021, we dispose of this short appeal, dispensing with all formalities.

The connected application (IA No. GA 1 of 2021) is also disposed of.

(I. P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)

CS.