

ORDER SHEET

OD-2 & 3

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/28/2022
WITH
CS/251/2007
IA NO:GA/1/2022, GA/2/2022

RUCHI SINGH DEO ALIAS ISHVARI RAJE
SINGH DEO AND ORS.
VS
DURGA PRASAD SINGH DEO

APOT/29/2022
WITH
CS/251/2007
IA NO:GA/1/2022, GA/2/2022

JAIRUDRA PRASAD SINGH DEO
VS
DURGA PRASAD SINGH DEO AND ORS.

BEFORE:

The Hon'ble JUSTICE I. P. MUKERJI
The Hon'ble JUSTICE ANIRUDDHA ROY
Date : 22nd February, 2022
(Via Video Conference)

Appearance:

Mr.Priyankar Saha, Adv.
Ms. Nilanjana Adhya, Adv.
Mr. Avirup Mondal, Adv.
Mr. A.Z.Mondal, Adv.

For appellant in APOT No.28 of 2022 and
Proforma respondent in APOT 29 of 2022

Mr. Chayan Gupta, Adv.
Ms. Pooja Jemarajka, Adv.
For respondent no.1 in APOT No.28 of 2022
Mr. Varun Kedia, Adv.
For defendant-respondent no.2 in
APOT No. 28 & 29 of 2022

The Court : Affidavits of service filed in court be taken on record.

Each of the appeals is admitted. We proposed to hear them out
dispensing with all formalities.

The impugned judgment and order was made on 14th December, 2021, inter alia, directing filing of affidavits and listing of the application after six weeks of the order.

The application before the learned single judge is ripe for hearing. The interim order that was made was that the plaintiff no.1(d) “shall not take any steps with regard to mutation of property or claiming any right in respect of any trust properties of the estate”. We do not think that there is any infirmity in this order. We only clarify that the plaintiff no.1(d) or any other party to the terms of settlement would not be disentitled to assert a right to the estate but would not deal with the property till further orders. Although the plaintiff no.1(d) by virtue of this order would not be able to effect mutation in the land records, the impugned order would not prevent the said plaintiff no.1(d) from paying tax on the property or discharge any statutory obligation that may arise out of the terms of settlement.

We request the learned single judge to dispose of the interim application as early as possible.

Both the appeals and the applications (APOT/28/2022, IA NO: GA/1/2022, IA NO: GA/2/2022 and APOT/29/2022, IA NO: GA/1/2022, IA NO: GA/2/2022) are disposed of.

Since affidavits have not invited, the allegations contained in the stay petitions are deemed not to be admitted.

(I. P. MUKERJI, J)

(ANIRUDDHA ROY , J)