

OD-1

ORDER SHEET

TS/19/2017
IA No.GA/4/2019, GA/6/2023

IN THE HIGH COURT AT CALCUTTA
Testamentary & Intestate Jurisdiction
ORIGINAL SIDE

IN THE GOODS OF:
GOBINDA CHANDRA DEY (DECEASED)
-AND-
SANJOY KUMAR DEY
-VS-
SUJOY KUMAR DEY

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : September 21, 2023.

Appearance :

Mr. Abhidipto Tarafdar, Adv.

Ms. S. Sengupta, Adv.

... for the plaintiff

Mr. Sagnik Majumdar, Adv.

Ms. Shreaya Ghosh Dastidar, Adv.

... for the defendant

Ms. Nilanjana Adhya, Adv.

... Administrator pendente lite

The Court: Mr. Abhidipto Tarafdar, learned counsel is appearing for the plaintiff. Mr. Sagnik Majumdar, learned counsel is appearing for the defendant and Ms. Nilanjana Adhya, Administrator Pendente lite, appointed by this Court is present.

The Administrator pendente lite has filed her report in three volumes after serving the copy of the same to the learned counsel for the respective parties. Let the report be kept with the record.

Learned counsel for the respective parties submit that they have no objection for the acceptance of the report submitted by the Administrator pendente lite. Accordingly, the report in three volumes submitted by the Administrator pendente lite is accepted.

The Administrator pendente lite submits that the two tenants in the suit premises, namely, Kumkum Chatterjee and Jayanta Mitra have surrendered the tenanted premises to the learned Administrator pendente lite on 26th December, 2018 and 31st March, 2021 respectively. Both the tenants have handed over the keys of the premises to the learned Administrator pendente lite and submitted surrender certificate to the Administrator pendente lite. The original keys and the surrender certificate submitted by the tenants are with the Administrator pendente lite.

The Administrator pendente lite submits that the original document i.e. being Annexures – B, D, E, F and G of the report of the Administrator pendente lite along with the original surrender certificate and keys of the surrendered premises by the tenants are with the Administrator pendente lite.

Counsel for the respective parties submit that they have instructions to receive the original documents i.e. Annexures – B to G along with keys and the surrender certificate jointly on behalf of their respective parties from the learned Administrator pendente lite.

Learned advocates on record of the respective parties shall receive all the documents being Annexures – B to G and the keys as well as surrender certificate from the learned Administrator pendente lite by acknowledging the

same and shall take appropriate decision for handing over the same to their respective parties.

The Administrator pendente lite submits that in terms of the order passed by this Court, she has opened the bank account with the State Bank of India, Specialised Institutional Banking, Kolkata, Samriddhi Bhavan, 4th Floor, 1, Strand Road, Kolkata – 700001. In terms of the order passed by this Court dated 14th August, 2023, she has withdrawn all the amounts i.e. total amounting to Rs.7, 82,968/- and has also handed over in equal share to the plaintiff and the defendant and as on date only 22 paise is lying in the said account.

The plaintiff is directed to pay the pending remuneration of the Administrator pendente lite within a week from date.

The copy of this order be forwarded to the State Bank of India, Specialised Institutional Banking, Kolkata, Samriddhi Bhavan, 4th Floor, 1, Strand Road, Kolkata – 700001 for taking appropriate steps for closing the account.

During the pendency of the instant suit, the parties have settled their disputes by entering into terms of settlement which is enclosed at Annexure – E at page nos.29, 30 and 31 of the present application being GA/6/2023. The original terms of settlement filed by the defendant dated 20th May, 2023 be kept with the record.

Counsel for the respective parties submit that as the parties have settled their disputes in terms of the settlement dated 20th May, 2023 and

prayed for passing a decree in terms of the settlement by making the terms of settlement dated 20th May, 2023 as part of decree.

Considered the submission made by the counsel for the respective parties. Perused the terms of settlement.

Accordingly, TS/19/2017 is disposed of in terms of settlement entered between the parties dated 20th May, 2023.

The decree be drawn accordingly by making terms of settlement as part of decree.

TS/19/2017 with GA/6/2023 are disposed of.

(KRISHNA RAO, J.)

Sbghosh