ORDER SHEET

OD-19

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

ACR/1/2023
IN THE MATTER OF:
GOURI DEVI TRUST
AND
HEMANT BANGUR
VERSUS
RAJESH KUMAR BIHANI AND ANR.

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 8th June, 2023.

Appearance:
Mr. Ranjan Bachawat, Sr. Adv.
Mr. S. Ginodia, Adv.
Mr. Satyaki Mukherjee, Adv.
Mr. Satvik Beriwala, Adv.
For the petitioner.

Mr. Rahul Kumar Singh, Adv.
For the respondent nos. 1 & 2.

The Court :- This is an application under the provisions of Section 7 of Charitable and Religious Trusts Act, 1920 seeking an opinion of this Court regarding a clause in the trust deed which permits sale of an immovable property of the trust but prescribes for purchase of another immovable property from out of the sale proceeds. The trust intends to invest the sale proceed in interest bearing government bonds instead of buying an immovable property. The question has arisen because the trust considers a property having become onerous and is not generating any income instead expenses are required to be incurred to maintain the same is much in excess of the income generated therefrom.

After hearing the applicant and the other trustees who are also represented and considering the provisions of the trust deed I do not find any impediment as such in the trustees selling a trust property if found to be onerous. Since the trust is finding it difficult to maintain the immovable property situate and lying at Station Road, Degana-341503, Rajasthan, admeasuring about 515.50 Square Gaj (2,062 sq. ft.) and the trustees have unanimously decided to sell the same subject to compliance other detailed requirements. The trustees are permitted to sell the said property after putting the Collector of Degana on notice. The sale proceeds received by selling the said property after adjustment of the costs and expenses for the sale shall be invested in government bonds and/or in fixed deposits earning highest interest rate in any nationalized bank and shall continue to keep the same renewed until any further order with regard thereto is passed by a competent authority. The dividend/interest that may be available out of the sale proceeds so invested for the purpose of fulfilling the object of the trust.

The application, ACR No.1 of 2023, is, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)

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