

12.06.2024
(M/L-47)
Ct.-19
(Susanta)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 745 of 2024

Smt. Jyotsna Sen & Anr.

-Vs-

Dilip Kumar Sen & Ors.

Mr. Angshuman Chakraborty,

... For the Petitioners.

Mr. Subhrajit Chakraborty,

Mr. Sourav Ghosh,

.... For the Opposite Party Nos. 1-2.

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

The instant application under Article 227 of the Constitution of India is directed against the order no. 10 dated December 15, 2023 passed by the learned Chief Judge, City Civil Court at Calcutta, in Misc. Case No. 5536 of 2022.

The paternal grandmother of the petitioner no.2, Trilochana Sen (since deceased) by a registered Deed of Settlement dated May 17, 1975 settled the suit property in favour of the deity Sree Sree Iswar Mangal Chandi Thakurani. The petitioners are the sebaits under the said Deed of settlement.

The petitioner no. 2 has filed a suit being Title Suit No.456 of 2020 praying a declaration that he is entitled to be appointed as a trustee of the Debottar Estate created by the said Deed of Settlement. The said suit is pending before the learned 11th Bench, City Civil Court at Calcutta.

On the other hand, the trustees of the said estate appointed under the said Deed of Settlement, the opposite party nos. 1 and 2 herein have filed an application under Section 34 of the Indian Trust Act, 1882 for certain directions

of the principal Civil Court regarding management of the trust properties.

The said application being Misc. Case no. 5536 of 2022 is pending before the learned Chief Judge, City Civil Court at Calcutta.

The petitioners in the said Misc. Case have filed an application for analogous hearing and disposal of the said suit and the said Misc. Case.

The learned Chief Judge, City Civil Court at Calcutta by the order impugned has dismissed the said application.

The petitioner no.2 in the suit though in addition to a decree of his appointment as a trustee in the said trust has prayed for certain directions regarding management of the trust property and framing of scheme to maintain the deity, but the purpose and the scope of the said suit and the said Misc. Case are completely different.

The learned Chief Judge has therefore has rightly dismissed the said application of the petitioner no.2 for analogous hearing of the said Misc. Case and the said suit.

The order impugned does not call for any interference.

C.O. 745 of 2024 is dismissed with the above observations without any order as to costs.

The learned Trial Courts are requested to expedite the disposal of the suit and the Misc. Case.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)