

OD-34

ORDER SHEET

ATA/3/2024

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

IN THE MATTER OF:
PIYUSH TRUST
-AND-
ARCHANA SWAIKA AND ORS.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : April 24, 2024.

Appearance:
Mr. Sourajit Dasgupta, Adv.
Mr. A. Mukherjee, Adv.
...for the petitioners

The Court: Mr. Sourajit Dasgupta, learned Counsel, is appearing for the petitioners.

The petitioners have filed the present application being ATA/3/2024 praying for discharge of Rani Goenka as sole trustee of Piyush Trust and the petitioners should be appointed as trustees of Piyush Trust.

Counsel for the petitioners submits that after the death of the original trustee, namely, Uma Shankar Goenka, his wife Smt. Rani Goenka has become the trustee of Piyush Trust. Now, Smt. Rani Goenka is about 81 years of age and also suffering from various ailments and she is not in a position to manage the Trust effectively. Accordingly, a resolution is passed wherein it is resolved that Smt. Rani Goenka be discharged as trustee of

Piyush Trust and also resolved that the petitioners being the beneficiaries shall be appointed as trustees of Piyush Trust.

Considered the submissions made by the Counsel for the petitioners and perused the Indenture of Settlement dated 1st January, 1968 wherein Uma Shankar Goenka was the trustee and in the said Indenture of Settlement it is mentioned that after the death of Uma Shankar Goenka, Smt. Rani Goenka shall perform all her duties as sole trustee. Uma Shankar Goenka died on 31st July, 2019 and after the death of Uma Shankar Goenka, Smt. Rani Goenka is performing the duty of the trustee of Piyush Trust. The petitioners have enclosed the medical documents which reveals that the Smt. Rani Goenka is suffering from various ailments and a resolution was also passed wherein it reveals that she is not intending to continue as a trustee of Piyush Trust and it is also resolved that the petitioners being the beneficiaries should be appointed as trustees in place of Rani Goenka.

Accordingly, considering the above facts and the resolution, Smt. Rani Goenka is discharged as trustee of Piyush Trust and the petitioners, namely, Mr. Piyush Goenka, Mrs. Archana Swaika and Mrs. Alpana Dalmia are appointed as new trustees of Piyush Trust.

In view of the above, ATA/3/2024 is disposed of.

(KRISHNA RAO, J.)