

OD-12

ORDER SHEET

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

CSOS/4/2022

ALOKE KRISHNA DEB
Vs
SUKUMAR KRISHNA DEB AND ORS.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 09TH May, 2024.

Appearance :

Mr. Anirban Kar, Adv.
Mr. Munshi Ashiq Elahi, Adv.
...for the petitioner

Mr. Dipanjan Dey, Adv.
Mr. Anijet Ojha, Adv.
...for the defendant No. 9

The Court: The present originating summons CSOS/4/2022 filed by Mr. Alope Krishna Deb, son of Late Dinendra Krishna Deb who is one of Sebaites as well as Receiver appointed by this Court in TA/15/2013 with TA/30/2013 dated 29th January, 2013 with effect from 1st December, 2012.

Now, Mr. Alope Krishna Deb, the Receiver appointed by this Court has filed the present application praying for selection of one or two fit persons amongst Sebaites as Joint Receiver to help him to continue the Seva Puja of Gopinath Jew and other deities smoothly and regularly and other matters of Thakur and Thakurbari.

Mr. Aloke Krishna Deb has filed the present application for appointment of further one or two Sebaites along with him due to his old age and suffering from various ailments. Subsequent to filing of the present application, another affidavit has been filed by Mr. Debasish Krishna Deb also known as Debasish Deb who is the respondent No. 3 and one of the Sebaites in the present case praying for appointing him as well as Mr. Sumit Krishna Deb who is the respondent No. 13 and also the Sebaites as Joint Receiver in place of Mr. Aloke Krishna Deb.

Mr. Aloke Krishna Deb, Receiver has filed the present application relying upon the Annual General Meeting held on 7th March, 2021 which reads as follows:

“As per notice given to all sebaits, Aloke Krishna Deb desired and requested the sebaits to select one or two fit person/persons among the sebaits as “Joint Receiver” to help him to continue the Seva Puja of Shri Shri Gopinath Jew and other deities smoothly & regularly and other matters of Thakur & Thakurbari. Accordingly, 31 no of Sebaites have selected Debasish Krishna Deb and 17 Nos. of Sebaites have selected Sumit Krishna Deb 1st Preference & 2nd Preference respectively.”

Now, Debasish Krishna Deb has filed affidavit by enclosing the Annual General Meeting held on 26.11.2023 which reads follows:

“Sri Aloke Krishna Deb apprised the assembly of his advanced age (87 years) and deteriorating health conditions, encompassing hearing impairment,

vision impairment and mobility challenges. Citing these challenges, he conveyed his inability to continue serving in his current capacity.

In response to the predicament, he proposed the appointment of 'Joint Receivers'. Notably, the individuals nominated in the Annual General Meeting held on 07.03.2021, namely Sri Debashish Krishna Deb and Sri Sumit Krishna Deb, were proposed to assume the responsibilities jointly."

Counsel for the respondent No. 9 submits that he has no objection for discharging of Mr. Alope Krishna Deb as Receiver and to appoint Mr. Debashish Krishna Deb and Sumit Krishna Deb as Joint Receivers.

Heard learned Counsel for the respective parties. Perused the application and document.

This Court by an order dated 29th January, 2013 has appointed Mr. Alope Krishna Deb who is one of the Sebaites as Receiver. Now, Alope Krishna Deb is aged of 87 years and is not in a position to act as Receiver due to old age and various ailments and accordingly, initially the Annual General Meeting was held wherein Mr. Alope Krishna Deb was of the view that along with him one or two Joint Receivers should be appointed so as to enable him to perform his job as Receiver smoothly but subsequently, another Annual General Meeting was held on 26.11.2023 wherein it has been decided that Sri Debashish Krishna Deb and Sumit Krishna Deb who are also Sebaites may be appointed as Receiver by discharging Mr. Alope Krishna Deb as Receiver due to his old age and several ailments. The said minutes of meeting is duly signed by Mr. Alope Krishna Deb.

In the application in paragraph 4, the duties and obligations of the Receiver has been mentioned which Mr. Alope Krishna Deb was carrying out as Receiver and he has also given the details of the assets in paragraph 6 of the application. He also mentioned that he has submitted the details of accounts before this Court from time to time.

Considering above facts and circumstances, the minutes of Annual General Meeting dated 7th March, 2021 and 26th November, 2023, this Court finds that the decision has been taken by all Sebaitis in the Annual General Meeting dated 26th November, 2023 that Mr. Alope Krishna Deb should be discharged due to his old age and ailments and Mr. Debashish Krishna Deb and Sumit Krishna Deb should be appointed as Joint Receivers.

Accordingly, Mr. Alope Krishna Deb is discharged as Receiver and Mr. Debashish Krishna Deb and Sumit Krishna Deb have been appointed as Joint Receivers from the date of this order.

Mr. Alope Krishna Deb, the outcoming Receiver is directed to hand over all documents and details of the assets and the details of reports submitted by Mr. Alope Krishna Deb before this Court to the incoming Receivers within a period of two weeks from date.

The Joint Receivers, namely, Debashish Krishna Deb also known as Debasish Deb and Sumit Krishna Deb are directed to carry out their duties as mentioned in paragraph 4 of the present application and also to file their half yearly report before this Court from time to time without fail.

In view of above, CSOS/4/2022 is disposed of.

Affidavit of service showing that notice of originating writ of summons on served all the Sebaitis be kept with record.

(KRISHNA RAO, J.)

Sbghosh