

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

IA NO: GA/1/2024
APOT/250/2023
WITH
TS/13/2016

IN THE GOODS OF:
ARUN KUMAR BHUTORIA (DECEASED)
-AND-
IN THE MATTER OF:
SUCHANDRA BHUTORIA
VS
JAGRIT BHUTORIA & ANR.

Before:
The Hon'ble Justice I. P. MUKERJI
And
The Hon'ble Justice BISWAROOP CHOWDHURY
Date: 5th August, 2024

Mr. Sidhartha Mitra, Sr. Adv.
..for the appellant.

Mr. Sudip Deb with
Ms. Ipsita Ghosh, Adv.
...for respondent no.1.

Mr. Jishnu Chowdhury
with Mr. Soumabho Ghose,
Mr. Aritra Basu,
Mr. B. Kumar &
Mr. I. Basu, Adv.
...for respondent no.2.

We had heard this appeal and application earlier in the afternoon and reserved judgement. Another appeal was specially fixed thereafter to continue for the rest of the day. That appeal was heard and adjourned with some court time remaining. So, we have decided to modify our said order passed earlier reserving judgement in this matter. We propose to deliver the judgement in court.

The Assistant Registrar attached to this court will notify the parties about pronouncement of the judgement today itself.

As the point involved is short, we propose to hear out this appeal dispensing with all formalities.

This is an appeal from a judgement and order dated 7th July, 2023 passed by a learned single judge of this court. This appeal relates to the estate of Arun Kumar Bhutoria, who died intestate leaving behind four heirs, his widow, Suchandra Bhutoria (the appellant) and his two sons, Rajit Bhutoria and Jagrit Bhutoria (the respondents) and his mother, Kanta Devi Bhutoria.

An application for grant to letter of administration (PLA/216/2012 renumbered as TS/13/2016) is pending in this court.

It appears that by an order dated 17th May, 2023, Mr. Samrat Mukherjee, advocate, was appointed and is acting as sole Receiver. By the application (GA/4/2023), the appellant prayed for appointment of Joint Receivers instead of a single Receiver.

By the impugned order dated 7th July, 2023, the learned single judge allowed the single Receiver to continue observing that there was no necessity to appoint Joint Receivers.

This appeal has been filed by the widow of the deceased.

We have heard learned counsel for the parties.

We are of the opinion that considering the size and value of the estate, for its proper and transparent administration, to avoid dissension and dissatisfaction amongst the parties and for smooth distribution of the assets of the deceased, more than one Receiver is necessary. Instead of two Receivers, it would be better if there were three Receivers to act jointly or by majority. We are not removing Mr. Samrat Mukherjee. In addition to Mr. Mukherjee, we appoint Mr. Rajarshi Rai Choudhury, Advocate, Bar Association Room no.2, (m) 9874879897 and Mr. Prosenjit Chatterjee, Advocate, (m) 8420443716 as Joint Receivers. They shall periodically hold meetings, take decisions, prepare minutes and circulate the same amongst the parties. They shall file reports in this court every quarter of the year.

Each of the Joint Receivers shall be entitled to remuneration of Rs.25,000/- per month beginning from August 2024 to be paid by the parties in equal share.

The impugned judgement and order dated 7th July, 2024 is modified to the above extent.

The appeal (APOT/250/2023) and the connected application (GA/1/2024) are disposed of.

(I. P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)