

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

CSOS No. 5 of 2025
JHABAR MALL CHOUDHARY & ORS.
VERSUS
SIKAR ZILLA WELFARE TRUST & ANR.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 16th July, 2025.

Appearance:
Mr. Rohit Banerjee, Adv.
Ms. Anjali Agarwal, Adv.
For the plaintiffs.

Mr. Brijesh Kumar Singh, Adv.
For the defendants.

The Court:- Two affidavits of service filed in Court today are taken on record.

Supplementary affidavit filed in Court as directed by the order dated 14th May, 2025 is taken on record.

This is an Originating Summons Suit filed by the mother and the grand father of two minor children for sale of an immovable property in which each of the minor has 16.33% share. The minors are respectively plaintiff no. 3 and 4.

It is submitted by the plaintiffs no. 1 and 2 that the entire property as per the highest offer received till date is going to fetch Rs.1.8 crores.

By an order dated 14th May, 2025 this Court wanted to be apprised of certain further facts and informations for which leave was granted to file a supplementary affidavit.

On a perusal of the supplementary affidavit filed today, it appears that the minors are respectively 13 and 8 years old. They are presently pursuing

education at "The Heritage School", 994, Madurdaha, Chowbaga Road, Anandapur, Kolkata-700107 respectively in Class-VIII and Class-III. The educational expenses and other necessities of the two minors are being taken care of by their grandfather and the mother. It is stated in the supplementary affidavit that the grandfather and the mother have their independent source of income from which they are in a position to take care of the educational expenses and other necessities of the minor to the best of their ability. It is also stated in the said supplementary affidavit that there is a fixed deposit of Rs.17,62,940/- in the name of Naman Choudhary (plaintiff no.4) and for Rs.15,57,378/- for Hriyaansh Choudhary (plaintiff no.3).

The two minors are also staying in a joint property in a well-known enclave in Kolkata with their mother and grandfather.

In the aforesaid facts and circumstances, queries raised in this originating summons suit are answered by declaring the mother as the natural guardian of the plaintiff nos. 3 and 4 in the absence of their father to be competent to execute and register the sale deed in respect of the immovable property as stated hereinbelow and that the sale of such immovable property is for the benefit of the two minors being the plaintiff nos. 3 and 4.

After considering the statements made in the supplementary affidavit, leave is granted to the plaintiff no. 2 namely Preeti Choudhary the mother of the plaintiff nos. 3 & 4 and their natural guardian in absence of their father who has died few years back to execute conveyance in respect of the immovable property situate and lying at premises No. 3 Ashutosh De Lane, Kolkata-700006 in favour of Sikar Zilla Welfare Trust being the defendant no.1 on

receipt of the agreed consideration money is Rs.1,80,00,000/- (one crore eighty lakhs). The money which shall be received as the share of the consideration for each of the minor will be Rs.30,00,600/-. The said sum of Rs.30,00,600/- shall be invested by the plaintiff no.2 in highest interest bearing fixed deposit account with any nationalized bank immediately after the sale is concluded and the consideration money received.

Nothing further remains to be adjudicated in this originating summons suit.

The Originating Summons Suit being CSOS No. 5 of 2025 is, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)