

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

RVWO/46/2024
WITH APOT/282/2024
IA NO:GA/1/2024
SRIMATI CHARUSILA TRUST ESTATE
-VS-
SMT SUSMITA ROY AND ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

And

The Hon'ble JUSTICE PARTHA SARATHI SEN

Date: May 8, 2025.

Mr. U. Chakraborty, Sr. Adv.; Mr. D. Bhattacharyya, Adv.; Mr. N.P. Gupta, Adv.,
appear.
Mr. N. Dasgupta, Adv., appears.
Mr. D. Roychowdhury, Adv.; Mr. S. Sabud, Adv., appear.
Mr. D. Basu, Adv., appears.

1. The Court: Review is sought of this Court's order dated October 1, 2024, passed by a co-ordinate Bench.
2. By the said order, the co-ordinate Bench had declined interference with an ad interim order passed by a Single Bench dated July 16, 2024. The said order was passed in an application made by parties to the suit for removal of the Receiver.
3. As an ad interim measure and in exercise of discretion under order 39 rules 1 and 2 of the CPC, the Court deemed it fit to restrain the Receiver appointed by it not to operate any of the Bank accounts of the Trust on which the Receiver is appointed.

4. The ground for which review of the order dated October 1, 2024 is sought is that the earlier Division Bench had failed to consider some propositions of law and decisions of the Hon'ble Supreme Court.
5. It is now well settled that even an incorrect order, contrary to law, if passed, does not attract the provisions of order 47 of the CPC. The only ground on which a review application can be filed is if there is error apparent on the face of the record and if any new evidence, hitherto not available to the parties or any subsequent event has come to light.
6. This Court further notes the impunity and audacity of the Receiver in moving applications and appeals without leave of Court, which appointed him.
7. A Receiver appointed under order 40 of the CPC is required to act only in terms of specific leave granted by Court and not otherwise. The appointment of a Receiver on certain properties cannot ipso facto entitle him to prefer appeals against the Court's orders.
8. If the Court of law which appointed a Receiver prima facie finds misconduct, it is authorized and entitled to pass interim orders, even at the admission stage of an application.
9. Before parting with the application for review, it has brought to the notice of this Court by the respondents that the signature of the receiving advocate on the notice of application for assignment of the instant review application is forged. The said Advocate Mr. Subir Sabud present in Court, has vehemently denied that he has signed or received the said notice. The letter dated 25.03.2025 is kept on record.

10. A copy of this order shall be placed before the Hon'ble the Chief Justice for appropriate orders against the Receiver as the Hon'ble the Chief Justice may deem fit and proper.

11. For the reasons stated hereinabove, the review application being RVWO/46/2024 shall stand dismissed with costs payable by the Receiver from his own pocket and personal account, to the respondents assessed at Rs. 5000 each.

(RAJASEKHAR MANTHA, J.)

(PARTHA SARATHI SEN, J.)

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