

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Biswaroop Chowdhury

FMAT 456 of 2025

Akhilesh Kumar and Ors.
Vs.
ALL INDIA INDIAN BANK SC/ST EMPLOYEES
WELFARE COUNCIL and Anr.

For the appellants : Mr. Pratip Mukherjee,
Mr. Samrat Choudhury,
Mr. Harish Kumar Singh, Advs.

Heard on : May 20, 2026.

Judgment on : May 20, 2026.

Sabyasachi Bhattacharyya, J.:

1. The ambit of the appeal is short.
2. By the order impugned in the appeal, an application under Order XXXIX Rule 4 of the Code of Civil Procedure filed by the defendants/respondents was allowed by permitting the

erstwhile President of the defendant no.1-Society to operate the bank accounts of the said Society.

3. The suit was filed challenging the operation of the bank accounts of the respondent no.1-Council, which is a society registered under the West Bengal Societies Registration Act, by the members of the erstwhile Executive Committee.
4. Learned counsel for the appellants rightly points out that the impugned order went beyond the prayer made in the vacating application under Order XXXIX Rule 4 of the Code itself, since in the prayer portion thereof, the defendants had sought for permission for the President as well as the Treasurer of the respondent no.1-Society to jointly operate the bank account of the Society. However, the learned Trial Judge restricted such permission only to the President.
5. The appellants, it is submitted, are agreeable to an order being passed in terms of the prayer in the vacating application for the time being, by allowing the President as well as the Treasurer to operate the bank accounts of the respondent no.1-Society.
6. It is provided in Regulation 8(c) of the Council that the funds of the Council shall not be used or invested for personal gains of any member of the Council and that there shall be a bank

account in the name of the Council. It is further provided that the President, General Secretary and Treasurer would be entrusted with the task of operating the savings bank account.

7. Hence, the prayer made in the vacating application, which is corroborated by Regulation 8(c) of the Council, mandated the learned Trial Judge to pass an order to that effect.

8. Since the respondents are repeatedly absent despite notice, we accordingly dispose of the appeal in the following manner:

FMAT 456 of 2025 is allowed in part, thereby modifying the impugned order, bearing Order no. 10 dated September 11, 2025 passed by the learned Judge, Sixth Bench, City Civil Court at Calcutta in Title Suit No. 229 of 2025, to the extent that apart from the erstwhile President of the defendant no.1- Council, the Treasurer of the said Council shall also be permitted to operate jointly with the erstwhile President the bank accounts of the defendant no.1- Council.

9. The other portions of the impugned order are not interfered with. In consonance therewith, the President and the Treasurer shall submit a joint report regarding expenses incurred by them for the purpose of the election before the Court from time

to time so that the funds of the Council may not be misappropriated in any way.

10. We make it clear that we have not entered into the merits of the respective contentions of the parties in the main suit.

11. There will be no order as to costs.

12. Urgent certified copies of this judgment, if applied for, be supplied to the parties upon compliance of all requisite formalities.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Biswaroop Chowdhury, J.)

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Ct No.16
20.05.2026
(SSS)