

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

APO/489/2015
With CS/943/1982

DR. TAJUL MULK AND ANR
-Vs-
ASHIM GUHA THAKURTA AND ORS.

With

APO/486/2015

M/S. MOVEMENT TRADERS PVT. LTD.
-Vs-
ASHIM GUHA THAKURATA & ORS.

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

-AND-

The Hon'ble JUSTICE MD. SHABBAR RASHIDI

Date: February 13, 2026.

Appearance:
Mr. Altamash Alim, Adv.
...for the appellant
in APO/489/2015

The Court : Two appeals are taken up together for analogous hearing as they emanate from the same judgment and order dated July 28, 2015.

The appellant in the first appeal being APO/489/2015 are represented.

Learned advocate appearing for the appellant submits that, the appellant purchased the immovable property at least 10 years prior to the purchase by the other appellant.

He submits that, there was no ground of setting aside the sale made in favour of the appellant by the Joint Administrators.

None appears for the other parties.

The appellant in APO/486/2015 is not represented.

The appeal is pending since 2015.

By the impugned order, learned single Judge found that, in a suit instituted by the depositors of a company, namely, Chatterjee Polk Pvt. Ltd. for realization of the amount invested by the depositors, Joint Administrators were appointed. Joint Administrators put up the immovable property for sale.

We find from the records that, in the suit, there subsists an order dated December 23, 1982 of injunction restraining the defendants from dealing with and/or disposing of and/or encumbering the properties mentioned in Annexure-D to the injunction petition. There also subsists an order dated December 14, 1983 directing the Joint Administrators to take possession of the asset mentioned in the report of the Deputy Superintendent of Police, Bureau of Investigation being Annexure-B thereto and any other assets which, they would recover possession pursuant to the orders and directions made in that behalf.

Learned single Judge construed the order dated December 14, 1983 to be omnibus in its term as it includes all or any other asset which may come to the possession of the Joint Administrators in future.

Learned single Judge noted that there was an embargo on the part of the defendant no.1 and/or his nominees from dealing with or disposing of any of the properties belonging to the said defendant no.1.

Learned single Judge noted that one of the companies was controlled by the defendant no.1. Learned single Judge also noted that such company was nothing but an alter ego of the Chatterjees.

In such circumstances, learned Single Judge, held that, the alienation of the immovable property concern fell within the mischief of the subsisting order of injunction and the direction passed. Learned single Judge held that, the sale was in defiance of such order of injunction.

We find no materials on record to take a view contrary to that returned by the learned Single Judge in the impugned order. Sale was conducted in breach of subsisting order of injunction and direction passed by the High Court.

In such circumstances, we find no ground to interfere with the impugned order.

APO/489/2015 and APO/486/2015 are dismissed without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)