

Srimati Bhagabati Debya Chowdhurani and ors. Vs. Babu Nilkantha Chatterjee, Common Manager, Bhitarbanda Estate.

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Court : Kolkata

Decided On : May-17-1920

Reported in : 59Ind.Cas.191

Judge : N.R. Chatterjee and ;Panton, JJ.

Appellant : Srimati Bhagabati Debya Chowdhurani and ors.

Respondent : Babu Nilkantha Chatterjee, Common Manager, Bhitarbanda Estate.

Judgement :

1. This is a Rule to show cause why certain orders of the District Judge of Rangpur passed in connection with an application for restoration of the estate to the co-owners should not be set aside.
2. It has been contended before us that the common manager, having been appointed by the District Judge on the ground that there was a dispute between the co-owners, and the owners having now joined in making a petition for the restoration of the estate, the Court has no power to inquire into the question whether the restoration can be made without inconvenience to the public or injury to private rights.
3. We are unable to go into these questions at the present stage, as the learned District Judge has not passed any final orders in the matter.
4. It is further contended on behalf of the petitioners that the common manager has practically been made a party to the proceedings because he has been allowed to engage a Pleader and is going to adduce evidence against the petitioners.
5. All that we need say is, that the common manager cannot be made, and is not, a party to the proceedings. We cannot give any directions as to the manner in which the inquiry is to be conducted by the Court below, except that the common manager cannot be made a party to the proceeding.
6. We do not express any opinion upon the other prayers in the petition.
7. With these remarks, the Rule is discharged.