

Misc. Appeal No.111 of 2022
Present: Jayashree Banerjee, Chief Judge
Order No. 28 dated 25.04.2025:

Ld. Counsel for the appellant as well as for the respondents are present.

It is submitted by the Ld. Counsel for the appellant that the order of the Escheat Officer is under challenged before the Hon'ble High Court and the matter is being heard by Hon'ble Justice Aniruddha Roy and therefore at this stage trial Court should adjourn the hearing of the matter.

Opposing the prayer of the Ld. Counsel for the appellant, Ld. Counsel for the respondents submitted that the property in question is not the subject matter of order passed by the Ld. Escheat Officer. He further pointed out that the appellant had already made an application praying for appointment of Engineer Commissioner to assess whether the property in question is the subject matter of the Escheat Officer's order. He further insisted that an Engineer Commissioner may be appointed as per the prayer of the appellant and may be directed to visit the locale and submit a report before this Court stating whether the property in question falls within the ambit of the order passed by the Escheat Officer.

Heard the submissions of the Ld. Counsel, this Court is of the view that appointing Engineer Commissioner and asking him to submit a report as to whether or not the property in question is the subject matter of the Escheat Officer's order which is under challenge before the Hon'ble High Court will not stand in the way of the proceeding pending before the Hon'ble High Court. If the Engineer Commissioner is of the view that the property is included in the order passed by the escheat Officer then it shall be abided by the order of the Hon'ble High Court, if not, then this Court shall pass necessary order.

In the given circumstances, Court appoints **Ranosurja Sarkar (8013285495)** as the Engineer Commissioner who is to visit the locale with the assistance of the Ld. Counsels for the appellant as well as for the respondents who guiding him to the locale and after his inspection, he shall submit a report before this Court within a period of one month from date of this Order.

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Contd.order No. 28 dated 25.04.2025:

Remuneration of Rs.7,000/- for conducting the whole commission work is fixed by this Court for the Engineer Commissioner to be borne by the appellant who has made the application for appointing Engineer Commissioner to ascertain whether the property fell in the ambit of the order of the Escheat Officer which is under challenge before the Hon'ble High Court.

Let a copy of this order counter signed by the Bench Clerk be handed over to the Ld. Counsel for the appellant and the Engineer Commissioner to act accordingly.

Ld. Counsel for the appellant submitted that the Engineer Commissioner be directed by this Court to act only on the basis of a plan and notice dated 02.04.2024 of the Escheat Officer annexed with the application for appointment of Engineer Commissioner which was disposed of by this order.

Fix 04.06.2025 for submission of Commissioner's report.

Dictated & corrected by me:

Chief Judge

Chief Judge

City Civil Court, Calcutta.