

Item- 10-09-2025
32-34.

sg Ct. 16

FA 292 of 2025

Dr. Vijay Kumar Kejriwal & Anr.
Versus
Sudha Agarwal & Ors.

With

**FA 293 of 2025
CAN 1 of 2025
CAN 2 of 2025**

Ramesh Kumar Kejriwal
Versus
Dr. V. K. Kejriwal & Ors.

With

FAT 196 of 2025

Abhimanyu Kejriwal
Versus
Dr. V. K. Kejriwal & Ors.

Mr. Jishnu Saha, Sr. Adv.
Mr. Aniruddha Mitra, Sr. Adv.
Mr. Debdut Mukherjee
Mr. Ishaan Saha
Mr. Kaushik Banerjee
Ms.Rashmita Sen

...for the appellant in FAT 196/2025
for respondent nos.4 & 5 in FA 293/2025
for respondent nos. 2 & 3 in FA 292/2025

Mr. Abhrajit Mitra, Sr. Adv.
Mr. Jishnu Choudhury, Sr. Adv.
Mr. Anurag Bagaria

...for the appellant in FA 293/2025
for respondent no. 5 in FAT 196/2025
for respondent no. 4 in FA 292/2025

Mr. Shuvasish Sengupta
Mr. D. Sonthalia

...for the plaintiffs/respondent nos.
1&2 in FA 293/2025

1. By the consent of the parties, the appeal and the applications are heard together and disposed of by this common judgment.
2. The learned Counsel for the parties have agreed that in the operative portion of the order, Flat No. 3B has been

left out, although there a reflection of the said flat at paragraph 103 of the judgment. However, the reason for excluding the Flat no. 3B is that no independent existence of the flat could be found as both the flats have been merged in a single residential unit. The flats, however, can be demarcated on the basis of the title deeds.

3. In such view of the matter, the preliminary decree is modified to the extent that the existence of the share declared in favour of the plaintiffs shall be in respect of both the Flat nos. 3A and 3B. The suit property has not been partitioned by metes and bounds as the period of 60 days have expired.
4. The parties could not apply for appointment of an Advocate Commissioner in view of the fact that the learned Trial Court has inadvertently recorded that the suit is disposed of.
5. In view of the fact that it is only a preliminary decree, the suit shall revive and survive till the final decree is passed.
6. The parties shall be at liberty to apply for appointment of an Advocate Commissioner as the settlement appears to have failed.
7. The department is directed to draw up the preliminary decree as expeditiously as possible, preferably within a period of two weeks from date.
8. The appeal and the applications are accordingly, disposed of.
9. The parties are directed to take all steps for settlement of the preliminary decree in the meantime and for depositing the requisite costs if any.

10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)