

OD – 17 & 18

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

IA NO. GA/49/2013 (Old No: GA/1817/2013)
In CS/2706/1955
SM. GOURI SIRKAR & ORS
Vs
SMT. SUDESHNA SIRKAR & ORS
With
IA NO. GA/64/2023
In CS/2706/1955
SMT. GOURI SIRKAR & ORS./BROJESWAR SIRKAR
Vs
SUDESHNA SARKAR & ORS

BEFORE:
THE HON'BLE JUSTICE SUGATO MAJUMDAR
Date: 9th July, 2025

Appearance:
Mr. S. Sen, Adv.
Mr. Bhaskar Nandi, Adv.
...for the def. nos. 2(b)(ii) & 1(c)(ii)

Mr. Anirban Bose, Adv.
Mr. Joydeep Dhar, Adv.
Ms. Atreyee Senapati, Adv.
...for the defendant nos.1(b)(ii) & 1(g), 1(h)

The Court: Contents of GA 49 of 2013 as well as GA 64 of 2023 were considered in the Order dated 07/10/2024.

A supplementary affidavit was filed in GA 49 of 2013.

The contentions of the Petitioner in GA 49 of 2013 are, cancellation and delivery up the indenture dated 13/06/1991 executed between Radha Nath Sirkar

and Samir Kumar Bose, which was registered at the office of Jamshedpur as Deed No. 4338 of the year 1991. Before passing any order, this Court directed that notice may be served to the subsequent purchasers to whom Samir Kumar Bose sold the property. It was directed that copies of the application may be served to Samir Kumar Bose, Suprakash Majumder, Sushil Majumder and Jitendra Kumar Shaw.

Subsequent to passing of that Order, one of the subsequent purchasers, namely, Sushil Majumder appeared and sought leave of this Court to file affidavit-in-opposition. Subsequently, he did not appear to represent him. None appeared on behalf of the other subsequent purchasers. The contentions of the Petitioner were not challenged by the subsequent purchasers therefore.

The Report of the Partition Commissioner as well as the Preliminary decree dated 12/04/1961 make one thing clear. The vacant land at Ghatshila as set out in the plaint, remained joint family property and the Partition Commissioner proposed to sell out the said land. Copies of the impugned deed and subsequent deeds were produced before this Court. The registered deed of sale dated 13th day of June 1991 was executed by Radha Nath Sirkar, the Vendor on the one hand, and M/s. G.S. Land & Estate, a Company being represented by Samir Kumar Bose, the purchaser. It was represented in the deed that “upon the consent of the official liquidator” and “by the consent and/or as per the agreement for same executed by the parties to the proceeding” which contradict the preliminary decree. Therefore, the impugned sale deed was not only executed on misrepresentation but also flouting the order of the Court without any authority to do so, while this Court was in seisin of the matter.

Accordingly, the impugned deed of sale dated 13/06/1991 executed between Radha Nath Sirkar and M/s. G.S. Land & Estate, a Company represented by Samir Kumar Bose, the vendor being deed no. 4338 of the year 1991 and all deeds executed pursuant to these deeds stand hereby cancelled. Copy of this Order may be

communicated to the concerned District Registrar and Sub-Registrar, if any, for doing the needful.

GA 49 of 2013 stands disposed of.

GA 64 of 2023 becomes redundant and infructuous in view of the order is hereby passed in GA 49 of 2013. Accordingly both GA 49 of 2013 and GA 64 of 2023 stand disposed of.

Fix 19th August, 2025 for further hearing and Order.

(SUGATO MAJUMDAR, J.)