

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

IA NO. GA/26/2025
In
CS/286/1976

BHUPESH KUMAR MAHAWAR
Vs
MAHABIR PRASAD MAHAWAR & ORS.

BEFORE:

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 6th May, 2025

Appearance:

Mr. Chayan Gupta, Adv.

Mr. Ovik Sengupta, Adv.

Mr. Saptarshi Bhattacharjee, Adv.

...for plaintiff

Ms. Madhurima Halder, Adv.

Mr. Sunil Singhania, Adv.

..for defendants

Mr. Prantik Gorai, Adv.

Mr. Aurin Chakraborty, Adv.

Mr. Suman Adhikary, Adv.

...for defendants no.9(b)

Mr. Shankarshan Sarkar, Adv.

Mr. Arindam Paul, Adv.

Mr. Uday Sharma, Adv.

...for successor bidder

Mr. Rohit Banerjee, Adv.

...for joint receivers

The Court: Learned Advocate for the plaintiff and learned Advocate for the defendants no.9(b), learned Advocate representing the joint receivers and learned Advocate appearing for the applicant/purchaser are present.

It appears that by order dated 10th February, 2025 passed in GA/25/2025 the purchaser was granted time for a period of six weeks to pay the balance consideration money. Upon perusal copy of the order dated 25th

February, 2025 passed by the learned Civil Judge and Judicial Magistrate, Raigarh Alwar. It appears that the interim order which was granted with regard to the suit property is already vacated. Learned Advocate for the intending purchaser submits that due to the pendency of the suit he was unable to deposit the balance amount consideration money. Learned Advocate for the defendants no.9(a) submits that an appeal is already preferred against the order 10th February, 2025 passed in GA/25/2025, but however, there is no stay of further proceedings in this case. Learned Advocate for the plaintiff also suggest that the intending purchaser may file an affidavit to clarify as to within which period he is ready and willing to pay the balance of amount of consideration money. Upon considering the submissions of the learned Advocates and considering the facts of the case and the grounds furnished, this Court is of the view that some further time be granted to the intending purchaser to take necessary steps. Thus, this matter stands adjourned till 12th June, 2025 to enable the intending purchaser to take necessary steps and file an affidavit on the next date fixed.

Let GA/26/2025 be put up on 13th May, 2025. As the learned joint receivers were paid remuneration long time back, let further remuneration of 6000 GMs to be shared by the parties be paid to the joint receivers. As submitted that the said amount can be withdrawn from the common fund, let the same be withdrawn and report be submitted.

(BISWAROOP CHOWDHURY, J.)