



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

IA NO. GA/2/2022  
In CS/96/2020  
SANGITA SAHA AND ANR  
Vs  
JAYA SAHA AND ANR

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 24<sup>th</sup> August, 2022.

*Appearance:*

*Mr. Probal Kr. Mukherjee, Sr. Adv.*

*Mr. Arnab Mukherjee, Adv.*

*...for the plaintiffs*

*Mr. Sabyasachi Chaudhury, Adv.*

*Ms. Sananda Ganguly, Adv.*

*...for the intervenor/ executor*

*Mr. Shounak Mukhopadhyay, Adv.*

*Mr. Sayantan Bose, Adv.*

*...for the defendant no. 1*

*Mr. Rajarshi Dutta, Adv.*

*Ms. Madhurima Das, Adv.*

*...for the defendant no. 2*

The Court:- The plaintiffs are the widow and minor daughter of the Late Kuldeep Saha. The suit is filed for partition. The plaintiffs apprehend that third party interests would be created in respect of the suit premises which would prejudice the rights of the plaintiffs. On 18<sup>th</sup> August, 2022, Mr. Chaudhury, Advocate appearing on behalf of the Executor had submitted that no prejudice would be caused to the interests of the plaintiff. He submits that even on the basis of the best arguable case, the plaintiffs are only entitled to a 2/9<sup>th</sup> share of the assets and properties of the suit properties (Paragraph 36 of the plaint). Mr.



Dutta, appears on behalf of the respondent no. 2 and opposes any grant of order in this matter and submits that the plaintiffs do not have a prima facie case.

In view of the submissions made on behalf of the Executor that nothing would be done to prejudice the 2/9<sup>th</sup> share of the plaintiffs in respect of the estate of the late Kuldeep Saha, I am of the view that no order needs to be passed at this stage of the proceedings.

The Executor shall maintain all accounts and duly intimated the respondent in respect of their 2/9<sup>th</sup> share of the assets of the deceased before dealing with any of the suit properties which form the Estate of the deceased.

It is made clear that there will be no interference with the peaceful occupation and possession of the plaintiffs in respect of their residential premises situated at CF-347, Salt Lake City, Sector-1, Kolkata-64 till the returnable date or until further orders.

The parties are directed to file their affidavits.

Let Affidavit-in-Opposition be filed within one week from date. Reply, if any, be filed one week thereafter.

Let this matter appear on 19<sup>th</sup> September, 2022.

(RAVI KRISHAN KAPUR, J.)