

ORDER SHEET
GA 12 OF 2019
GA 2522 OF 2019
CS 82 OF 2017
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

SURJIDHAR MULLICK
Versus
GUNADHAR MULLICK & ORS.

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date : 18TH January, 2021.

Appearance:
Mr. Kaustav Chandra Das, Adv.
Mr. Souvik Sen, Adv.
Ms. Aditi Dutta, Adv.
...for the plaintiff

Mr. Aritra Basu, Adv.
Mr. Abhijit Sarkar, Adv.
... for the defendant No.1

Mr. Avik Kumar Das, Adv.
...for the defendant No.2

The Court: By this application, the plaintiff seeks necessary order on the learned Commissioner of Partition to divide the movables among the parties.

The defendant No.2 is represented.

Pursuant to the order dated December 11, 2020 the plaintiff served a copy of the application upon the non-appearing defendants and filed an affidavit of service.

Some of the defendants did not appear on December 11, 2020, they are still unrepresented in Court despite service.

The suit for partition and administration involves both immovable and movable. It appears that, by the order dated May 17, 2017, the shares of the parties in respect of the immovable properties were declared. The order dated May 17, 2017 records that, apart from the defendant Nos.1 and 2 and the plaintiffs, there may be other defendants who may have shares in respect of the movables.

The issue as to how much share each of the parties to the suit are entitled to in respect of the movables is yet to be decided finally. The evidence produced today do not permit the Court to arrive at a final computation of the shares of the parties in respect of the movables. Moreover, in my view, the parties should be afforded an opportunity to lead evidence on such score.

In such circumstances, I am not minded to grant any relief to the plaintiff as prayed for.

I. A GA No.12 of 2019 (Old GA No.2522 of 2019) in Suit No.82 of 2017 is disposed of accordingly.

(DEBANGSU BASAK, J.)