

ORDER SHEET

CS/82/2017
IA No. GA/1/2017 (Old No. GA/1300/2017),
GA/13/2022

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

SURJIDHAR MULLICK
-VS-
GUNADHAR MULLICK & ORS.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : April 12, 2023.

Appearance:

Mr. Souvik Sen, Adv.
Ms. Aditi Dutta, Adv.
... for the plaintiff

Mr. Lalratan Mondal, Adv.
... for the defendant no.2 (a) and 2(b)

Mr. Sakya Sen, Adv.
Mr. Aritra Basu, Adv.
Mr. Abhijit Sarkar, Adv.
Mr. Abhik Chitta Kundu, Adv.
... for the defendant no.1

Mr. I.N. Mukherjee, Adv.
Mr. D.K. Chandra, Adv.
... for the defendant no.3 (a)

Mr. Pradip Kumar Ghosh, Adv.
... Partition Commissioner.

The Court: Counsel for the plaintiff, counsel for the defendant no.1, counsel for the defendant nos. 2(a), 2(b) and the counsel for the defendant no.3(a) are present.

None appears on behalf of the defendant nos. 4, 5 and 6.

Learned Partition Commissioner is also present.

In terms of the order passed by this Court dated 9th January, 2023, the Partition Commissioner has made the inventory of the jewellery

which are available in the iron chest. Now the jewellery is to be valued by appointing an approved valuer. The parties are agreed to appoint one Mr. Raj Kumar Chandra, C/O Rashik Lal Chandra, 17, Nalini Seth Road, Sonapatty Baubazar, Kolkata – 700007 as valuer to value the jewellery available in the chest.

The parties are directed to make necessary arrangement so that the valuer can come to the place where the jewellery has been kept in the iron chest and the valuer is directed to value the said jewellery at the place where the jewellery has been kept. After valuation is conducted, again the jewellery may be kept in the iron chest by keeping the same under lock and key by the Partition Commissioner. The valuer shall value the said jewellery in presence of the Partition Commissioner.

Counsel for the substituted defendant no.3(a) prays for time to file written statement.

It is found from the record that the defendant no.3 was substituted vide order dated 24th April, 2019. Counsel for the parties have submitted that the defendant no.3 has already executed a registered gift deed with respect of the movable and immovable properties by transferring the same in favour of the three brothers.

In view of the submission made by the respective parties, for the interest of justice and as a matter of last chance, two weeks time is granted to the defendant no.3(a) to file written statement.

If within the said time, the defendant no.3(a) fails to file written statement, no further chance will be granted.

The Commissioner is directed to file report with regard to the valuation of the jewellery before 19th June, 2023.

Let the application being GA/13/2022 be placed before this Court on the date fixed.

(KRISHNA RAO, J.)

RS