

OD-6

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

-Versus-

GUNADHAR MULLICK & ORS.

BEFORE

The Hon'ble Justice KRISHNA RAO

Date: 17th July, 2023

APPEARANCE:

Mr. Souvik Sen, Adv.

Ms. Aditi Dutta, Adv.

...for the plaintiff.

Mr. Aritra Basu, Adv.

...for the defendant no.1.

Mr. Lal Ratan Mondal, Adv.

...for the defendant nos.2(a) & 2(b).

Mr. I. N. Mukherjee, Adv.

Mr. B. K. Chandra, Adv.

...for the defendant no.3(a).

Mr. Sondwip Mukherjee, Adv.

...for Commissioner of Partition.

The Court: Counsel for the respective parties are present.

By an order dated 23rd June, 2023 this Court had directed the plaintiff, the defendant no.1 and the defendant nos.2(a) and 2(b) to pay further amount of Rs.50,000/- in equal share to the Commissioner within a week from that date.

The learned Commissioner submits that the defendant no.1 has handed over a cheque of Rs.12,500/- instead of Rs.16,666/-.

Mr. Basu, learned counsel for the defendant no.1 submits that as per the order, the defendant no.1 has given his 1/4th share. This Court has considered the order and found that the defendant nos.2(a) and 2(b) are the substituted legal heirs of the defendant no.2 and, as such, the defendant nos.2(a) and 2(b) cannot be treated as separate share and is to be treated as single share of defendant nos.2(a) and (b). Mr. Basu submits that he will pay the amount of Rs.16,666/- instead of Rs.12,500/-.

Learned commissioner has returned the cheque to Mr. Basu and Mr. Basu assures that he will give another cheque of Rs.16,666/- within a week from date.

Learned counsel for the defendant no.3(a) submits that his written statement is ready and also affirmed and also served a copy to the learned counsel for the plaintiff, but the department is not accepting the vakalatnama as in the vakalatnama only it is mentioned 'defendant no.3' instead of 'defendant no.3(a)'. Counsel for the defendant no.3(a) prays for leave to file vakalatnama on behalf of the defendant no.3(a). Leave is granted to the learned counsel for the defendant no.3(a) to file the vakalatnama within a week on behalf of the defendant no.3(a).

The written statement filed on behalf of the defendant no.3(a) be kept on record.

Let the matter appear on 2nd August, 2023.

(KRISHNA RAO, J.)

A/s.