

OD-105

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 : January 04, 2024.

Appearance:

Mr. Chayan Gupta, Adv.
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. Abhik Chitta Kundu, Adv.
... for the defendant no.1

Mr. Deb Kumar Chandra, Adv.
... for the defendant no.3 (a)

The Court: Mr. Chayan Gupta, learned counsel, is appearing for the plaintiff, Mr. Lalratan Mondal, learned Counsel, is appearing for the defendant Nos. 2(a) and 2(b), Mr. Sakya Sen, learned Counsel is appearing for the defendant No. 1 and Mr. Deb Kumar Chandra, learned Counsel is appearing for the defendant No. 3(a).

Counsel for the respective parties submit that as per the report of the Partition Commissioner, the properties situated at 6B, Clive Row, Kolkata-700001 as well as 19J, Goabagan Street, Kolkata-700006 partitioned by meets and bounds is not possible and now, the parties have

agreed to sell the said properties by way of public auction and the amount to be received through the sale shall be distributed amongst the parties in equal share as per the preliminary decree.

Considered the submission made by the Counsel for the respective parties.

As all the parties have agreed to sell the property situated at 6B, Clive Row, Kolkata-700001 as well as 19J, Goabagan Street, Kolkata-700006, the Partition Commissioner is directed to take appropriate steps for sale of the properties situated at 6B, Clive Row, Kolkata-700001 as well as 19J, Goabagan Street, Kolkata-700006 by way of public auction.

Parties shall bear the cost of the public sale in three equal shares. It is made clear that if the parties are having any individual party to purchase the said properties, the party can bring the said proposed purchaser before the Commissioner to purchase the said properties and it is the prerogative of the learned Commissioner to accept the proposal, if any, placed by the party for purchase of the said properties.

The Commissioner is directed to complete the process for sale of the property within two months from the date of receipt of the copy of this order.

The fees of the Commissioner is fixed at Rs.50,000/- for the present.

Parties are directed to pay the Commissioner's Fees in three equal shares.

Let the report be filed by the Commissioner on or before 15th March, 2024.

As regard the acceptance of the report of the properties situated at 26/1C/1B, Prasanna Kumar Tagore Street, Kolkata-700006 the same shall be taken up for hearing on 15th March, 2024.

(KRISHNA RAO, J.)

Sbghosh