

OD-20 & 21

ORDER SHEET

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

IA NO. GA/1/2017
(Old No: GA/1300/2017)
In CS/82/2017

SURJIDHAR MULLICK
Vs
GUNADHAR MULLICK & ORS

&

IA NO. GA/13/2022
In CS/82/2017

SURJIDHAR MULLICK
Vs
GUNADHAR MULLICK & ORS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 21ST NOVEMBER, 2022.

Appearance:

Mr. Debojyoti Dutta, Adv.
Mr. Kautav Chandra Das, Adv.
Mr. Souvik Sen, Adv.
Ms. Aditi Dutta, Adv.
..for the plaintiff

Mr. Lal Ratan Mondal, Adv.
..for the defendant No. 2

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

Mr. D. K. Chandra, Adv.
..for the defendant No. 3A

The Court: Counsel for the respective parties are present.

Counsel for the plaintiff submits that vide order dated 14th June, 2019 by consent of the parties preliminary decree is passed declaring the shares of the plaintiff and the defendant Nos. 1 and 2 in the respective immovable properties. There is no preliminary decree with respect of the movable property.

Counsel for the defendant No. 1 prays for time to file written statement with regard to the movable property.

Counsel for the defendant No. 1 submits that the Commissioner has already filed his report and as per the report the property situated at 26/1, P.K. Tagore Street cannot be partitioned and accordingly, the defendant No. 1 submits that the defendant No.1 is ready to sell his 1/3rd share to the plaintiff and the defendants and if the defendants and the plaintiff are ready to purchase 1/3rd share of the defendant No. 1 they can offer the market value so that the matter can be settled.

Counsel for the defendant No. 2 and the plaintiff prays for time to take instruction in the matter.

Counsel for the defendant No. 1 further submits that with regard to other properties in which the tenants are in occupation of the premises, it is not possible to evict the tenants and to partition the property and as such the defendant No. 1 submits that the said two properties can also be sold out in the public auction.

Counsel for the defendant No. 2 and the plaintiff prays for time for taking appropriate instrucion.

In view of the submission made by the Counsel for the respective parties, let the matter appear on 7th December, 2022.

In the meantime, Counsel for the defendant No. 1 is at liberty to file written statement with respect of movable property.

(KRISHNA RAO, J.)