

IN THE HIGH COURT AT CALCUTTA
ORDINARY CIVIL JURISDICTION
ORIGINAL SIDE

IA NO. GA/3/2022
[OLD NO. CS/197/2017]
In CS/54/2024

MANGAL BUILDERS AND ENTERPRISE LTD.
Vs
CAMBAY INVESTMENTS CORPORATION LTD. & ANR.

BEFORE:
THE HON'BLE JUSTICE SUGATO MAJUMDAR
Date: 6th January, 2025.

Appearance:
Mr. Anirban Ray, Sr. Adv.
Mr. Satadeep Bhattacharya, Adv.
Ms. Upama Bhattacharjee, Adv.
For the petitioner.

Mr. Avinash Kankani, Adv.
Mr. Suman Majumder, Adv.
For the Judgment Debtor no. 2

The Court:- GA/3/2022 is filed for setting aside the Report of the learned Commissioner along with other prayers. Learned Partition Commissioner is present. Learned Counsel for the parties agreed that prayers (b) and (c) may be allowed for carrying out measurements in the entirety.

Accordingly, prayers (b) and (c) of GA/3/2022 are allowed.

Learned Partition Commissioner is carrying out measurements of the entire suit premises. Occupiers of the respective areas must cooperate with the learned Partition Commissioner in this respect. In case of any hindrance or resistance, learned Partition Commissioner shall approach this Court for passing appropriate order.

The occupiers shall cooperate with the Partition Commissioner also in providing the details of their occupied area, amount of rent and others as may be required.

It is further clarified that the learned Partition Commissioner may take assistance of a Civil Engineer or any other person experienced in the work. Reasonable remuneration shall be paid out of the joint fund.

Report of the Partition Commissioner shall be filed on the returnable date. Learned Partition Commissioner shall be paid remuneration of Rs. 75,000/- (Seventy Five Thousand Rupees Only) jointly in lump sum by the parties.

The suit will appear in the list on 26th February, 2025 for further order.

(SUGATO MAJUMDAR, J.)