

OD-8

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

IA NO. GA/4/2023
In CS/153/2016

SMT. SUSHILA AGARWAL @ SMT. SUSHILA BILOTIA AND ORS
Vs
JAGDISH PRASAD AGARWAL @ JAGDISH PRASAD BILOTIA ORS.

BEFORE:
The Hon'ble JUSTICE SUGATO MAJUMDAR
Date : 6th January, 2026.

Appearance:

*Mr. Sunil Singhanian, Adv.
Ms Kalpana Singhanian, Adv.
..for plaintiffs*

*Ms. Setu Das Roy, Adv.
Ms. Suranjana Nandi, Adv.
...for the defendants*

The Court:- GA/4/2023 is filed as an exception to the Report of the Commissioner of Partition. The main objection to the Report of the Commissioner of Partition filed by the Defendants, is that Part-C is inhabitable which has been allotted to them whereas they are residing in plot-A.

Mr. Singhanian, the Learned Counsel for the Plaintiffs submitted that the Revised Report was prepared by the Partition Commissioner on consent of the parties which this Court noted in an earlier Order. But the Partition Commissioner have not annexed any minutes of meeting showing consent of the parties. It is also submitted by the Learned Counsel for the Defendant, if

the Report is to be worked out, an aged and ailing member is to be relocated in an inhabitable part of the premises.

On hearing rival pleas, it is felt needed to set aside the Revised Report of the Partition Commissioner.

The Partition Commissioner is discharged and the Reports are set aside.

Mrs. Arunima Lala Sengupta, Advocate a member of Bar Library Club [Mob:9836302902] is appointed as Commissioner of Partition. The Commissioner of Partition shall file a Report along with minutes of the meeting with the parties. The Commissioner of Partition shall be paid a lump sum commission of Rs.75,000/- as of now.

The Report shall be submitted within three months.

Let the suit appear in the list after three months on mentioning.

(SUGATO MAJUMDAR, J.)