

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

IA NO. GA/19/2023
In CS/298/2012

SRI SHYAMAL KUMAR DAS DEB & ORS.
Vs
ANINDITA RAY & ORS.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 11th April, 2023.

Appearance:
Mr. I. B. Jha, Adv.
..for the plaintiff

Mr. Ayan Kumar Boral, Adv.
Ms. Saswati Sengupta, Adv.
..for the defendants.

The Court: Counsel for the respective parties are present.

The defendants have filed the instant application being GA No. 19 of 2023 praying for a direction upon the learned partition commissioner to submit report before this Court. The defendant submits that by an order dated 18th March, 2019 this Court has appointed Mr. Amitava Pal, Advocate, Bar Library Club, as Commissioner of Partition to make physical partition of the properties in question by metes and bounds.

Counsel for the defendant submits that in terms of the order passed by this Court dated 18th March, 2019 the Commissioner of partition has issued notices for holding commission and all the parties appeared and lastly the commission was held on 3rd March, 2022 and since then neither any commission was held nor the Commissioner has filed the report.

Counsel for the defendant submits that the condition of the building in question is dilapidated and unless and until the Commissioner is not directed to file report, the parties will be badly prejudiced.

It is further pointed out that learned Partition Commissioner also appointed surveyor to make partition the suit property by its metes and bounds but till date no report has been submitted.

In view of the submission made by the Counsel for the respective parties, the partition commissioner is directed to file report before this Court on 6th June, 2023.

Parties are directed to communicate this order to the learned partition Commissioner and the partition Commissioner is directed to act in terms of this order.

Let the matter appear on 6th June, 2023.

GA No. 19 of 2023 is disposed of.

(KRISHNA RAO, J.)