

OD-8

ORDER SHEET

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

IA NO. GA/20/2023
In CS/298/2012

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

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 04TH JULY, 2023.

Appearance:

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

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

The Court: Counsel for the respective parties are present.

The plaintiff has filed the present application being GA No. 20 of 2023 in CS No. 298 of 2012 praying for direction upon the learned Commissioner of Partition appointed by this Court to file report before this Court excluding the Domjur properties, Schedule B property of the plaint.

This Court perused the order passed on 18th March, 2019 by which Mr. Amitava Paul, Advocate, Bar Library Club has been appointed a Commissioner of Partition to make physical partition to the properties in question by metes and bounds for partitioning three properties in question. As there is a specific order passed by this Court while appointing Commissioner with regard to three properties in question, this Court is of the view, at this stage, it would not be appropriate to exclude one property for

partitioning unless and until a report is received from the Partition Commissioner that the third property that is Domjur property cannot be partitioned. This Court also perused the order passed by this Court dated 11th April, 2023 in GA No. 19 of 2023 in CS No. 298 of 2012 wherein the Partition Commissioner was directed to file report before this Court on 6th June, 2023.

This Court finds that in spite of specific direction passed by this Court the learned Commissioner has not filed report.

In view of the above, the Partition Commissioner is directed to file report before this Court on or before 24th July, 2023.

Parties are directed to communicate this order to the learned Commissioner and the learned Commissioner is directed to comply with the order strictly in terms of the above order.

GA No. 20 of 2023 filed by the defendants be listed on 24th July, 2023.

(KRISHNA RAO, J.)