

OD-3

ORDER SHEET

IA No.GA/2/2025  
IN  
CS/136/2023  
IN THE HIGH COURT AT CALCUTTA  
ORDINARY ORIGINAL CIVIL JURISDICTION  
ORIGINAL SIDE

KAILASH NEVATIA  
VS.  
SHIV KUMAR NEVATIA & ANR.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE  
Date: 8<sup>th</sup> May, 2025.

*Appearance:*

Mr. Nirmalya Dasgupta (VC), Mr. Dibanath Dey,  
Advocates for the plaintiff.

Mr. Rohit Banerjee, Mr. A. S. Tarafdar, Mr. Iftikar  
Munshi, Advocates for defendants.

Mr. Debraj Sahu, Advocate/Partition Commissioner.

The Court: After considering the report filed by the Commissioner of Partition it is explicit that there is no construction work carried out at the premises no.76, Bentinck Street, Kolkata – 700 001 (hereinafter referred to as the said property) as apprehended by the defendants being the applicants herein. In the report of the Commissioner of Partition a list of tenants and/or occupants of the said property has been provided.

The defendants as applicants have sought for a disclosure from the plaintiff regarding the tenants inducted by the plaintiff. The plaintiff, therefore,

should file an affidavit stating as to who are the tenants inducted by him, whether such tenants are paying any rent to the plaintiff, if so, what is the amount of rent. The plaintiff shall also state from the list whether any of the tenants/occupants had been inducted by the plaintiff but is not paying rent to the plaintiff as also whether the plaintiff has terminated the tenancy of any of the tenants inducted by him. The plaintiff shall be at liberty to deal with the allegations contained in the main petition, if so advised. Let such affidavit be filed by 30<sup>th</sup> June, 2025, since it is submitted that the plaintiff is out of town for medical treatment. Affidavit-in-reply thereto, if any, be filed by 21<sup>st</sup> July, 2025.

Let this application appear in the monthly list of August, 2025 under the heading 'Adjourned Motion'.

The parties are directed to maintain *status quo* as to the possession and nature and character of the said property until further directions being given from the Court.

(ARINDAM MUKHERJEE, J.)