

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

CS No. 136 of 2023

KAILASH NEVATIA
VS
SHIV KUMAR NEVATIA AND ANR.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 12th November, 2025

Appearance:
Mr. Nirmalya Dasgupta, Adv.
Mr. Dibanath Dey, Adv.
For the plaintiff.

Mr. Rohit Banerjee, Adv.
Ms. Sohail Tarafdar, Adv.
For the defendants.

Mr. Debraj Sahu, Adv.
For the Commissioner of Partition.

The Court :-The interim report termed as "Progress Report" filed by the learned Commissioner of Partition is taken on record. Let a copy of this report be circulated amongst the parties.

It is submitted by the learned Commissioner of Partition that so far as the property situated at Lenin Sarani is concerned, the survey and valuation works have been completed and the report from the Surveyor-Valuer is awaited. This property according to the Commission of Partition has to be sold and the sale proceed has to be distributed amongst the parties in accordance with their respective shares.

In respect of the Bentinck Street property, the same is required to be partitioned by metes and bounds and portions thereof are to be identified as

different lots to be allotted to the parties in respect of their respective shares. The Valuer has not been able to complete survey work in respect of the Bentinck Street property and requires further time to complete the survey and prepare the valuation report.

The writ of the Commissioner of Partition is in subsistence till today (12.11.2025). Inasmuch as the partition work is pending, the writ of the Commissioner of Partition has to be extended.

The Commissioner of Partition shall file his report by 10th February, 2026 when the matter shall appear for further consideration.

The parties shall pay the remuneration of the Valuer in accordance with their respective shares for the work already done and for the future work. This payment has to be done through the Commissioner of Partition in terms of the bill(s) and/or documents placed before the learned Commissioner of Partition by the Valuer-Surveyor.

(ARINDAM MUKHERJEE, J.)