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ORDER SHEET

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

CS/136/2023
IA NO: GA/1/2024

KAILASH NEVATIA
-VS-
SHIV KUMAR NEVATIA AND ANR

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: January 30, 2025.

Appearance:

Mr. Nirmalya Dasgupta, Adv.
Mr. Dibanath Dey, Adv.
Ms. Pallavi Pain, Adv.
... for the plaintiff

Mr. Rohit Banerjee, Adv.
Mr. A. S. Tarafdar, Adv.
... for the defendants

The Court : Mr. Nirmalya Dasgupta, learned Advocate, is appearing for the plaintiff.

Mr. Rohit Banerjee, learned Advocate, is appearing for the defendants.

The matter is listed as "To Be Mentioned" in terms of the order passed by this Court dated 27th January, 2025 only to ascertain from the learned Advocate appearing for the defendants who will pay the remuneration if this Court will appoint the Special Officer to ascertain the accounts in terms of prayer (e) of the plaint.

When the matter is taken up today, learned Counsel for the defendant submits that it is not possible for the defendant to pay the

remuneration of the Special Officer if this Court appoints a Special Officer to ascertain the accounts in terms of the prayer (e) of the plaint.

Accordingly, learned Counsel for both the parties submits that Partition Commissioner can be appointed in terms of prayer (d) of the plaint to partition the suit property in terms of the preliminary decree.

Considered the submissions made by the Counsel for the respective parties.

Mr. Debraj Sahu, learned Advocate, Bar Library Club, Ph No. 9831544867 is appointed as Partition Commissioner to partition the suit property in terms of the preliminary decree by its metes and bounds.

The remuneration of the Partition Commissioner is fixed initially for Rs.2 Lakhs and the parties shall pay remuneration of Partition Commissioner in equal share.

The Partition Commissioner is directed to file the report within eight weeks from date.

Let the matter appear on 3rd April, 2025 as "To Be Mentioned" for filing the report by the Partition Commissioner.

(KRISHNA RAO, J.)