

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

CS/330/2014

RAJESH SANEI & ORS.
VS
BHAWRILAL SANEI & ORS.

BEFORE:

The Hon'ble JUSTICE ANANYA BANDYOPADHYAY

Date: 11th February, 2026.

Appearance:

Mr. Sourojit Dasgupta, Adv.
Mr. Sourjyo Mukherjee, Adv.
Mr. Vishwarup Acharyya, Adv.
Mr. Akash Dutta, Adv.
...For the Plaintiffs

Mr. Rupak Ghosh, Sr. Adv.
Mr. Santosh Kumar Ray, Adv.
Mr. Indradeep Basu, Adv.
Ms. Siddhi Agarwal, Adv.
...For the Respondent no.3 (Decree-holder)

The Court :- The Learned Advocates representing both the parties referred to an order passed by the Division Bench of this Court dated 22nd December, 2025 which, inter alia, stated as follows:

“While considering the decree put into execution, we find that, the decree refers to a terms of settlement. In turn, the terms of settlement refers to an agreement dated March 15, 2017.

The drawn-up decree however, does not contain the mutual agreement dated March 15, 2017.

In our view, ideally, the drawn up decree should contain not only the decree of Court, but also the terms of settlement as also the mutual agreement dated March 15, 2017 as a part thereof.

In such circumstances, we request the parties to take appropriate steps before the Department to ensure that the decree is appropriately drawn up. The Department will take appropriate steps, when so approached by any of the parties.”

The Learned Advocate representing the respective parties further submitted that on approach to the Department, the same referred to Chapter XVI Rule 28 of the Original Side Rules of the High Court at Calcutta, which stated as follows:

“28. Draft to be circulated. In cases of doubt etc., draft may be submitted to Court or Judge.- *In cases of doubt or difficulty with regard to a decree or order made by the Court or a Judge, the Registrar or Master may, before issuing the draft, submit the same to the Court or Judge who passed the decree or order.”*

The decree has been passed by the Co-ordinate Bench of this Court and the Hon’ble Judge presiding over the same at the time relevant point of time is not functioning in this Court at the moment, being transferred to another High Court.

Under such circumstances, let the matter be placed before the Hon’ble Chief Justice, High Court at Calcutta for necessary directions.

(ANANYA BANDYOPADHYAY, J.)