

15.03.2021
Sl. No. 5
srm

C.O. No. 243 of 2021

M/s. Astdurga Construction Private Limited

Vs.

Md. Soraf Ali Mondal & Ors.

Mr. Rabindra Nath Bag,

Mr. Rohan Raj

...for the Petitioner.

None appears on behalf of the opposite parties despite service. Affidavit of service is taken on record.

The petitioner is aggrieved by an order dated November 27, 2020 passed in Title Suit No.354 of 2017. Title Suit No.354 of 2017 was decreed on the basis of a compromise petition dated November 18, 2020.

By the order impugned dated November 27, 2020, the learned Court below directed that the Collector North 24 Parganas should assess the valuation of the suit property in accordance with law and submit the same before the Court. The Court observed that as per the report of the Sherestadar the valuation of the suit property was less than the market value.

The suit was compromised even before the preliminary decree was passed. The learned court below directed that the suit be disposed of in final form in terms of the compromise

petition dt. 16.10.2020 and the solenama/compromise petition, be made part of the decree. Having perused the compromise petition, it appears that the plaintiff had withdrawn all claims to right, title and interest over the suit property and hence the suit was compromised. The compromise petition should be made a part of the decree. Just ministerial act of drawing up the decree was left and as such enquiry into the valuation of the property through the collector was not necessary.

The plaintiffs valued his own suit and paid the fixed court fees. The suit was compromised and the plaintiff gave up the claim. Thus no further enquiry by the collector was necessary. The order impugned is set aside.

The decree shall be drawn up in terms of the compromise petition immediately.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)