

06.04.2021
SL No.21
Court No.12
(gc)

**FMAT 136 of 2020
With
CAN 1 of 2021
With
CAN 2 of 2021**

**Ajit Kumar Das
Vs.
Ranajit Kumar Das & Anr.**

(Via Video Conference)

Mr. Animesh Das,
...for the Appellant.

We propose to hear the appeal along with the applications for condonation of delay and the stay application.

The appeal is arising out of two orders, namely, order dated 13th June, 2019 and 24th June, 2019 passed by the learned Judge, XIIIth Bench, City Civil Court at Calcutta in Title Suit No.201 of 1991.

We are satisfied with the explanations offered by the appellant for not being able to prefer the appeal within the statutory period of limitation. Accordingly, the delays of 208 days and 197 days in preferring the memorandum of appeal are condoned.

The application for condonation of delay being CAN 1 of 2021 is disposed of.

We have perused the order under appeal. We feel that in a partition suit when the parties are at loggerhead, it is better to appoint an impartial person as Receiver as the suit

properties are required to preserved until final decree is passed.

On such consideration, we do not find any reason to interfere with the orders under appeal.

We direct the Trial Court to conclude the proceedings at the earliest. The Partition Commissioner shall file a report within four months from the date of communication of this order unless it has already been filed. The parties shall cooperate with the Receiver as well as the Commissioner of Partition so as to enable the Trial Court to dispose of the proceeding at the earliest.

This order shall immediately be communicated to the XIIIth Bench, City Civil Court at Calcutta by the appellant as well as by the Registrar Administration (L. & O.M.).

With the aforesaid direction the appeal and the connected application are disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Kausik Chanda, J.)

(Soumen Sen, J.)