

26-11-2021
ct no. 13
Sl.1303
sp

WPCRC 39 of 2021
In
WPA 4045 of 2018
Bhagirath Tunga
Versus
Joydeb Mukherjee & Anr.
(Via Video Conference)

Mr. Soumen Kumar Dutta,
Mr. Subhadeep Chatterjee
...for the petitioner

Mr. Raja Saha,
Mr. Amit Kr. Ghosh
...for the alleged contemnor no.1

Mr. T.M. Siddiqui,
Mr. Nilotpal Chatterjee
....for the alleged contemnor no.2

Counsel for the petitioner submits that his client spoken to the concerned Registrar of Assurances and has been assured that upon production of all particulars of the title deed, the same can be reconstructed. The only difficulty is that the schedule to the property described in the deed is required to be authenticated by the original executant or his legal heirs. The legal heirs of the executor have refused to accept the petitioner's request without financial incentive.

This Court notes that the petitioner is indeed suffering for no fault of his. The land in question is, however, in possession.

With a view to alleviate the distress of the petitioner, this Court grants liberty to him to institute a civil suit against the original executant and/or his legal heirs and prove and demonstrate his claim in respect of the said property before the said civil Court.

Since the petitioner has been put to the aforesaid harassment, loss of time and would be compelled to file suit, the entire actual costs that shall be incurred by the petitioner in filing and prosecution of the suit, shall be reimbursed by the State.

The civil Court, upon receipt of any civil suit from the petitioner, shall dispose of the same expeditiously.

With the aforesaid observations, the instant contempt application is disposed of with costs assessed at Rs. 11,000/- payable by the alleged contemnors/State to the petitioner.

The personal presence of the alleged contemnors is dispensed with. Rule, if any, shall stand discharged.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)

