

15.03.2021
Sl. No. 2
srm

C.O. No. 421 of 2020
Gita Shaw & Ors.
Vs.
Sri Uttam Kumar Shaw & Ors.

Mr. Swarvanu Saha,
Mr. Sumon Pathak

...for the Petitioners.

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

This revisional application has been filed by the defendants in Title Suit No.215 of 2010 being aggrieved by an order dated February 11, 2020. The partition suit is pending before the learned Civil Judge (Senior Division), at Sealdah. The plaintiffs prayed for partition of the suit property at 5J, Gopal Mondal Lane, Police Station-Cossipore, Kolkata-700002.

By the order impugned, the learned Court below rejected an application filed by the petitioners praying for appointment of a new learned Advocate-Commissioner by replacing the earlier learned Advocate-Commissioner in view of the delay in completion of the commission work. The learned Court below held that the preliminary decree had already been passed and the suit was pending for drawing up of the final decree and the learned Advocate-Commissioner be

directed to conduct the commission work and filed the report to that effect.

The learned Advocate for the petitioners submits that the said commission work was delayed and as such necessary orders should be passed modifying the order impugned dated February 11, 2020 by appointing a new Advocate-Commissioner.

Having perused the order impugned, I do not find any illegality in the order impugned. The learned Court below has already directed the learned Advocate-Commissioner to complete the commission work as per the writ and file a report before the learned Court below within March 17, 2021. It also appears that the commission work may have been delayed due to the pandemic.

Under such circumstances, this revisional application is disposed of with a direction upon the learned Court below to ensure that the commission work is completed within a month from the next date fixed, if not already completed, and the learned Advocate-Commissioner should file a report within the aforementioned period.

The petitioners will be at liberty to approach the learned Court below for appropriate orders in view of this order passed today on the basis of a server copy.

This Court has not gone into the merits of the case and not the contentions of the petitioners.

The revisional application is dismissed.

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.)