

MAMTAJ BEGUM(BANU) & ORS. VS. MD. ABBAS & ORS.

Mr. Syed Shamsul Arefin
..for the petitioners

This revisional application has been filed by the petitioners in Title Suit No.54 of 1949, pending before the learned Civil Judge, Senior Division, District Burdwan.

It is submitted by the learned Advocate for the petitioners that the learned partition Commissioner's report has already been filed. Objection to the same has also been filed but no hearing has been held with regard to the acceptance of the said report.

Under such circumstances, this revisional application is disposed of with a direction upon the learned Court below to dispose of the objection herein with regard to the learned Commissioner's report within a period of three months from the next date fixed upon hearing all the contesting parties. On the basis of the outcome of the said report, the learned Court below shall make serious endeavour to dispose of the suit expeditiously.

This Court has not gone into the merits of

claims and counterclaims of the parties and the learned Court below shall dispose of the proceeding with regard to the acceptance of the learned Commissioner's report on its own merits and on the basis of the objection raised and in accordance with law.

This revisional application is disposed of.

The petitioners are directed to serve copies of the revisional application along with the server copy of this order upon the opposite parties and also the learned Advocate for the opposite parties in the learned Court below within a week from date.

There will be however no order as to costs.

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

(Shampa Sarkar,J.)