

17.11.2021
(S/L-54)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1684 of 2021

Rajyadhar Dutta

-Vs-

Sujit Das & Ors.

Mr. Pratip Kumar Chatterjee,
.... For the Petitioner.

Mr. Samrat Choudhury,
Mr. Amit Dey,
... For the O.P. No. 8.

Mr. Chittapriya Ghosh,
.... For the O.P. No. 18, 21, 26-28,
32, 34, 35-37.

The Affidavit-of-service filed in Court today
be kept with the record.

The plaintiff in a suit for partition is the
petitioner of the present application under Article
227 of the Constitution of India which is directed
against order no.16 dated September 8, 2021
passed by The learned Civil Judge (Senior
Division) Kandi, District-Murshidabad in
Partition Suit No. 259 of 2018.

The learned Trial Judge by the order
impugned has allowed an application filed by
defendant, opposite party no.8 seeking
permission to construct his dwelling house over
a portion of the joint property, claiming to be in
his possession.

The order impugned is not supported by any reason and is set aside only on the said ground alone.

The learned Trial Judge is directed to decide the said application afresh in accordance with law.

The parties are at liberty to file documents and/or further affidavits in connection with the said application.

Considering the nature of the application, the learned Trial Judge is requested to dispose of the said application expeditiously preferably within a period of two available effective working months of the said Court from the date of communication of this order and in doing so shall not grant any unnecessary adjournment of either of the parties.

It is made clear that this Court has not gone into the merit of the said application, it is for the learned Trial Judge to decide the same.

C.O 1684 of 2021 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)