

C.O. 1703 of 2021

(Via Video Conference)

Sri Satrajit Biswas & Ors.

-Vs-

Arindam Das & Ors.

Mr. Arnab Roy.

....for the petitioners.

Share of the petitioners over the suit property in the preliminary form has been declared in Title Suit No. 82 of 2008 by the 2nd Court of the learned Civil Judge (Senior Division), Barasat, District 24-Parganas (North) vide judgment and decree dated September 04, 2009.

The partition commissioner has been appointed at the instance of the petitioners to draw up a final decree on the basis of the said preliminary decree of partition.

In the meantime, the defendants/ opposite parties filed an application seeking review of the said preliminary decree on the ground that the title of the predecessor-in-interest of the parties to the suit over the suit property is yet to be matured into full ownership, as such, the share of the petitioners over the suit property cannot be declared.

The learned Trial Judge, pending disposal of the said review application, stayed the further proceedings of the partition commissioner's work.

Mr. Roy, learned advocate contends that the commission work is almost at the final stage, as

such, the learned Trial Judge is not justified in staying the staying the said commission work.

No fruitful purpose would be served in continuing with the final decree proceeding to give the said preliminary decree a final shape pending disposal of a challenge to the preliminary decree on the ground that the predecessor-in-interest of the parties to the suit had no title over the suit property.

The order impugned, therefore, does not suffer any illegality and/or infirmity warranting interference.

C.O. 1703 of 2021 is disposed of with a request to the learned Trial Judge to expedite the disposal of the said review application without granting any unnecessary adjournment to either of the parties.

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.)