

ORDER SHEET
APD 84 OF 2018
CS 994 of 1990
GA 1 OF 2014
GA 2199 OF 2014
GA 3 OF 2019
GA 4 OF 2019
GA 5 OF 2019
GA 2579 OF 2019
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

SANJAY PODDAR AND ANR.
Versus
JASPAL SINGH CHANDHOK AND ORS.

BEFORE:
The Hon'ble JUSTICE I. P. MUKERJI
The Hon'ble JUSTICE MD. NIZAMUDDIN
Date : 11TH JANUARY, 2021.

Appearance:
Mr. Rohit Banerjee, Adv.
Mr. D. Adhikari, Adv.
For the appellant

Mr. Sakya Sen, Adv.
Mr. Amritam Mondal, Adv.
For the respondent Nos.2 (a) to 2 (c)

Mr. Arindam Paul, Adv.
For the respondent Nos.3 & 4

The Court: This appeal arises out of a preliminary decree for partition of the subject premises. There were two co-sharers in the subject property, the plaintiff and the first defendant. The third defendant was allegedly the lessee. The original lessee died and was substituted by his heirs/legal representatives. The first defendant also died. The plaintiff is the first respondent in the appeal whereas the heirs of the first defendant are the respondent Nos.2(a) to 2(c) in the appeal.

It is common ground that the said co-sharers have transferred their right, title and interest to a third party.

The Division Bench on an earlier occasion had directed the co-sharers to file a supplementary affidavit confirming this fact. The respondent Nos.2(a) to 2(c) represented by Mr. Sen have filed such

affidavit. The plaintiff/respondent is not appearing. We presume that he is nothing to say in contradiction of the said affidavit.

In those circumstances, the cause of action of this partition and administration suit no longer survives.

In those circumstances, the appeal (APD No.84 of 2018) is dismissed and all pending connected applications are accordingly disposed of.

The suit (CS No.994 of 1990) is also dismissed.

The preliminary decree is set aside.

(I. P. Mukerji, J.)

(Md. Nizamuddin, J.)