

OD-1

ORDER SHEET

CS/144/2015

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

SUPRIYA KUMAR GOOPTU & ANR.
VS
ALOKA GOOPTU

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 23rd September, 2021.

[Via video conference]

Appearance:
Mr. Sayan Ganguly, Adv.
Ms. Mudrika Khaitan, Adv.
... for the plaintiffs

The Court : The Report of the Commissioner of Partition pursuant to the judgment and order of a learned Single Judge dated 4th March, 2021 is perused. The said Report dated 31st August, 2021 enclosing the Scheme of Partition has been signed by both the plaintiffs as well as the defendant and have also been identified by advocates on their behalf. Learned counsel appearing for the plaintiffs submits that the suit may be decreed on the basis of the said Scheme of Partition.

Clause 18 of the Scheme provides that a decree of partition may be passed on the basis of the terms and consequential acts undertaken by the parties thereafter. The preliminary decree dated 4th March, 2021 passed by a learned Single Judge of this Court indicates that the suit was heard as an undefended suit. The Scheme, however, is not signed by the sole defendant.

Upon considering the Scheme of Partition annexed to the Report of the Commissioner, this Court is of the view that the Scheme has been drawn up in accordance with the Report and a decree for partition may be passed in terms of the Scheme.

CS 144 of 2015 is accordingly decreed in terms of the Scheme of Partition enclosed with the Report of the Commissioner of Partition.

The decree shall be registered by the parties with the Registrar of Assurances, Kolkata and the parties shall bear all costs and charges for such registration on equal basis.

Parties are to act in the manner indicated in the Scheme of Partition.

Interim order, if any, shall stand vacated.

All connected applications are disposed of in terms of this order.

(MOUSHUMI BHATTACHARYA, J.)