

24.11.2022

Sl.No. 37
Ct.No.3
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMA 805 of 2022
With
CAN/1/2022

Mahamaya Dhara & Ors.
Vs.
Shankar Dhara & Ors.

Mr. Sukanta Chakraborty
Mr. Sk. Zubair Ahmed
...for the plaintiffs/appellants
Mr. Sunny Nandy
Mr. Aditya Mondal
Mr. Subha Pathak
...for the defendants/respondents

We formally admit the appeal.

We are in a position to dispose of it
dispensing with all formalities.

Mr. Dipak Chowdhury, Advocate, Bar
Association, Room No. 9 Mobile No. 7044802870
is appointed as Special Officer at an initial
remuneration of 1,500 G.M.s to be paid by the
parties, sharing the remuneration equally
(plaintiffs together one share, defendants
together one share).

Further remuneration of the Special Officer
shall be determined and directed to be paid by
the court below. He shall immediately visit the
suit property, determine the status quo with
regard to possession by the parties and indicate
the same in a sketch map prepared by him or

under his direction. A report along with the sketch map as an annexure to it shall be filed in the learned court below by 7th December, 2022.

The parties shall strictly maintain this status quo, till the suit is disposed of or until further order, whichever is earlier.

However, this order will not prevent the defendants from making a fresh application before the learned court below, stating the sum or grant they have received from the local Panchayat for constructing a residential accommodation, the terms and conditions of that grant, its utilisation etc. The court shall then pass a reasoned order permitting or refusing to permit the defendants from making construction in a part of the suit property of which they are in possession using that fund.

Such application, if filed, may be disposed of within six weeks thereafter.

We request the learned court below to dispose of the suit pronouncing a final decree of partition within one year of communication of this order.

The appeal and application are disposed of.

(Biswaroop Chowdhury,J.) (I. P. Mukerji,J.)