14.01.2022
(S/L-06)
Ct.-18
(Susanta)

(**Via Video Conference**)

C.O. 2209 of 2021

Sri Sanjit Patra & Anr.
-Vs-
Smt. Pranita Gayen & Ors.

Mr. Haradhan Banejree,
.... For the Petitioners.

The order proposed to be passed in the present revisional application under Article 227 of the Constitution of India would not cause any prejudice to the opposite parties, as such, service of notice of the present application upon the said opposite parties is dispensed with.

The petitioners are the plaintiffs of the connected suit for specific performance being Title Suit No. 16321 of 2014 pending before the 3rd Court of learned Civil Judge (Senior Division), Howrah.

In the said suit, the petitioners are seeking specific performance of an agreement for sale dated June 28, 2013.

The said agreement for sale was impounded and was sent to the Collector, Howrah for assessment of the Stamp Duty payable on it with a rider that such assessment should be made taking into consideration the date of execution of the said agreement for sale.

The Collector, Howrah returned his findings on the said issue assessing the Stamp Duty payable on the said agreement for the year 2018 instead of assessing the same for the year 2013.

Under such circumstances, the learned Trial Judge by the order dated December 11, 2020 sent the said document again to the Collector, Howrah for re-assessment of the Stamp Duty payable on it.

The petitioners complain that the reference is pending before the said Collector for almost one year for which further proceedings of the suit has been arrested causing thereby unnecessary delay in the disposal of the suit.

Mr. Hradhan Banerjee, learned Senior advocate appearing on behalf of the petitioners prays that the said Collector may be directed to make the said assessment of the Stamp Duty payable on the said document for sale and to send his report to the Court immediately.

The present outbreak of the third wave of Covid-19 pandemic of course is a hindrance in discharging regular official works but the assessment of Stamp Duty since would be done on the basis of records, it is expected that even the present situation would not come so heavily in the way of making the said assessment within a reasonable time.

C.O. 2209 of 2021 is therefore disposed of with a request to the Collector, Howrah to assess the Stamp Duty payable on the said agreement for sale deed dated June 28, 2013 within a period of three months from the date of communication of this order and immediately thereafter to return his findings on the said issue to the Court below.

There shall be no order as to costs.

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

(Biswajit Basu, J.)