

15.03.2022
Item No.18
Court No.18
AJ.

C.O. 3827 of 2019

Subrata Kumar Saha @ Shyamal Saha & Ors.

-Vs-

Bhubaneswar Saha & Ors.

Mr. Prosenjit Mukherjee,
Mr. Saptarshi Chakraborty,
Mr. Arghya Kamal Das.
....for the petitioners.

Mr. Prosenjit Mukherjee, learned Counsel
appearing on behalf of the petitioners files
affidavit of service, which is taken on record.

None appears on behalf of the opposite
parties in spite of service.

The defendants in a suit for partition being
Title Suit No. 105 of 2006 pending before the 1st
Court of the learned Civil Judge (Senior Division),
Rampurhat, District Birbhum are the petitioners
of the present application under Article 227 of the
Constitution of India.

The learned Trial Judge by the order
impugned dated June 13, 2019 overruling the
objection of the petitioner has accepted the report
of the Partition Commissioner.

The report of the Partition Commissioner,
so accepted shall form part of the final decree to
be passed in the suit.

It is always open for the petitioners to
challenge the final decree in a regular appeal

canvassing the shortfall of the said report of the Partition Commissioner.

This Court, therefore, at this stage, is not inclined to interfere with the order impugned.

C.O. 3827 of 2019 is disposed of with the above observations without any order as to costs.

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.)