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**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

C.O. 2740 of 2022

Mohadeb Mondal

versus

Mira Rani Khamrui & anr.

Mr. Aritra Shankar Ray

... For the petitioner

This is an application under Article 227 of the Constitution of India praying for a direction for completion of final decree in Title Suit No.125 of 2013 pending before the learned Civil Judge (Junior Division), at Amta, District Howrah.

The brief fact of the case is that the plaintiffs/ opposite parties filed a suit for partition, declaration and permanent injunction. On 9th September, 2016 the suit was decreed on contest in preliminary form. On 9th September, 2017 the plaintiffs filed an application for drawing up a final decree on the basis of the preliminary decree and for appointment of commissioner. The learned Trial Court appointed commissioner on 5th July, 2018 and since then the matter is pending before the learned Trial Court for submission of commissioner's report. Hence, this revisional application has been filed for appropriate order.

Mr. Aritra Shankar Ray, learned Advocate for the defendant-petitioner submits that the final decree could

not be drawn up due to non-submission of report by the commissioner who has been appointed by the Court on 5th July, 2018. He submits for a direction for expeditious submission of report by the commissioner and drawing up of final decree.

It is found that the preliminary decree in the suit was passed on 9th September, 2016. Subsequent thereto, on 9th September, 2017 the plaintiffs filed application for drawing up of final decree. The learned Trial Court appointed commissioner on 5th July, 2018. However, from the orders placed, it is found that the matter regarding drawing up of final decree could not be proceeded with due to non-submission of commissioner's report.

In the aforesaid backdrop, the learned Commissioner is directed to submit report preferably within a period of six months from date and thereafter the learned Court below will proceed in accordance with law.

With the aforesaid observations, the Civil Revisional application being **C.O. 2740 of 2022** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)