

APOT/73/2023
CS/356/1994
IA NO.GA/1/2023
GA/2/2023
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

SM. ANJU GHOSH & ORS.
VS
TANIMA GHOSH & ORS.

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN
AND

The Hon'ble JUSTICE UDAY KUMAR
Date : 21ST JUNE, 2023.

Appearance
Mr. Tanmay Mukherjee, Advocate
Mr. Saptarshi Mal, Advocate
Mr. Amal Kumar Saha, Advocate
Mr. Iresh Paul, Advocate
...for the Appellant

The Court: The learned Advocate appearing for the appellants submits that the order recording concession of the learned Advocate representing the appellants is without instruction.

We have read the order of the learned Single Judge carefully. It appears that a coordinate Bench earlier had observed as follows:

“that the properties in question could be sold upon a current valuation thereof being made. Since, the previous endeavour to sell the property in favour of some of the parties has failed, it may be in the best interest of all parties if the properties are sold by public auction and the parties given a chance to participate in that auction.”

It appears that the learned Single Judge was only implementing the direction of the Hon'ble Appeal Court. In fact, except defendant no.3(c)(a) and 3(c)(b), none of the contesting defendants has filed any

affidavit. It was on the basis of the observation made by the Hon'ble Division Bench, the learned Single Judge passed the directions upon the parties.

We do not find any reason to interfere with the impugned order. The appeal and the application stand dismissed.

(SOUMEN SEN, J.)

(UDAY KUMAR, J.)

akg/