

Item No. 34

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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

C.O. 1531 of 2022

**Sri Samir Kumar Mukherje & Ors.
Vs
Sri Debasish Mukherjee**

Mr. Binay Kumar Panda,
Mr. Raju Mondal,
Mr. Subham Kanti Bhakat..

.... for the petitioners.

Mr. Uttiya Ray

Mr. Arnab Mandal. ... for the opposite party.

1. Affidavit of service is filed and taken on record.
2. The instant revisional application has been filed assailing the order dated 8th April, 2022 passed in connection with Title Suit No. 248 of 2014 by the learned Civil Judge (Senior Division), Burdwan.
3. Learned counsel on behalf of the petitioners has submitted that the suit for partition was filed where preliminary decree was passed and Advocate Commissioner was appointed and also direction was given to draw up final decree and the opposite party already deposited the amount directed by the Court.
4. It is further submitted that at this stage the application filed on behalf of the

defendant/opposite party herein for recalling the order of drawing up final decree cannot be entertained by the learned Trial Court.

5. Learned counsel on behalf of the opposite party/defendant has submitted that an application was filed raising objection against the Advocate Commissioner's report and the petition has not yet been heard by the learned Trial Judge.
6. By the impugned order dated 08.04.2022 learned Trial Judge accepted the petition with a prayer for recalling the order of drawing up final decree and fixed the application on 20.06.2022 for hearing. Therefore, it is too early to decide whether the application was at all entertained by the Trial Court or not. Trial Judge has not yet determined the issues raised by the contesting parties to this revisional application.
7. Given facts and circumstances, I find the instant revisional application being premature is liable to be dismissed.
8. However, liberty is given to raise all the issues before the Trial Court.
9. Learned Trial Judge is requested to dispose of the application within two weeks from the date of communication of this order after giving opportunity of hearing to the parties to the suit, without giving any unnecessary adjournment to

any of the parties.

10. With this observation, the revisional application disposed of.

11. Connected applications, if any, also stand disposed of.

12. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

13. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)