

24.09.2024
Item No.14 DL
Ct.19
A.J.

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

C.O. 3376 of 2024

Khalilur Rahman Mondal @ Molla & Ors.

-Vs-

Noor Mohammad Molla & Ors.

Mr. Wasim Ahmed,
Ms. Reetika Achary.
.....for the petitioners.

Mr. Sandip Das,
Mr. Indu Bhusan Das.
.....for the opposite parties.

The defendant nos. 6 to 9 and 15 to 18 in a suit for partition are the petitioners in the instant application under Article 227 of the Constitution of India which is directed against the order dated March 02, 2024 passed in the said suit being Title Suit No. 1059 of 2018 pending before the 7th Court of the learned Civil Judge (Senior Division), Alipore, District : 24-Parganas (South).

The plaintiffs in the said suit on December 11, 2021 and on February 01, 2024 had filed two applications seeking permission to cultivate the suit land according to their share.

The learned Trial Judge by the order impugned has allowed the said applications.

The shares of the parties in the suit land are yet to be determined, at this stage, grant of permission to cultivate the joint property in terms of the share of the co-sharers, is not sustainable.

The order impugned, for the aforesaid reason, is set aside.

C.O. 3376 of 2024 is allowed without any order as to costs.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)