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ORDER SHEET

APOT 24 of 2024

WITH

CS 540 of 1988

IA No.GA/1/2024

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

PRAMATHA NATH SEN
VS
SANDHYA BASU MALLIK AND ORS

Before:

The Hon'ble Justice I. P. MUKERJI

And

The Hon'ble Justice BISWAROOP CHOWDHURY

Date: 23rd August, 2024

Appearance:

Mr. D.C. Thakur, Adv.

Mr. A. K. Mukhapadhyay, Adv.

Mr. Sumitava Chakraborty, Adv.

The Court: The marginal delay in preferring the appeal is condoned.

We have gone through the reasons advanced in the impugned judgment and order dated 16th October, 2023. By that judgment and order, for failure on the part of the appellant defendant no.1 to account for jewellery in a partition and administration suit, his property at 10, Lake Range, Kolkata-26 was attached. If Rs.60 lakhs is deposited with the partition commissioner, the attachment would stand vacated. Whether the appellant defendant no.1 is guilty of misappropriation of joint family property would only be decided at the trial of the suit. If we prima facie appreciate the order, it has attachment of the property of the appellant defendant no.1. Pending such determination, there is no infirmity in such an order.

Accordingly, the appeal is formally admitted and dismissed.

The stay application (IA No.GA/1/2024) is also dismissed.

We request the learned trial judge to dispose of the partition and administration suit as early as possible, subject to the convenience of the bench.

As affidavits were not invited, the allegations contained in the application are deemed not to be admitted.

(I. P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)