

**IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE**

Present:

The Hon'ble Justice Sugato Majumdar

CS/887/1965
IA NO: GA/12/2023

SAMIR KUMAR NAG AND OTHERS
VS
SANKHA NATH DAW AND OTHERS

WITH

CS/1044/1965
MANAS NAG AND ANR.
VS
KAKALI NAG AND ORS

For Plaintiff (In CS 887 of 1965) : Mr. Debabrata Mukherjee, Adv.
Ms. Shomrita Das, Adv.

For Defendant No. 2(a) : Mr. Sarosij Dasgupta, Adv.
Mr. Bimalendu Das, Adv.

For Defendant No. 1(a) to 1(d) : Mr. K. K. Boral, Adv.

Commissioner of Partition
& Receiver : Mr. Kaushik Mondal, Adv.

For Plaintiff (In CS 1044/1965) : Mr. Sarosij Dasgupta, Adv.
Mr. Bimalendu Das, Adv.

For Defendant No. 4 to 8 : Mr. Debabrata Mukherjee, Adv.
Ms. Shomrita Das, Adv.

For Defendant No. 1 to 3 : Mr. K. K. Boral, Adv.

Commissioner of Partition
& Receiver : Mr. Kaushik Mondal, Adv.

Hearing concluded on : 14.03.2024

Judgment on : 19.03.2024

Sugato Majumdar, J.:

CS 887 of 1965 and CS 1044 of 1965 are taken up together for passing analogous order. Both the aforesaid suits were consolidated vide preliminary decree dated 8th July, 1975.

The suit properties involved were premises no. 12, Raja Raj Ballav Street, Kolkata – 700003; 70A, Beniatola Street, Kolkata – 700005 and shop rooms in premises no. 148, Old China Bazar Street, Kolkata -700001 and 149, Old China Bazar Street, Kolkata – 700001. Receiver & Commissioner of Partition was appointed after passing of preliminary decree by Co-ordinate Bench. The properties were sold pursuant to the order of this Court passed by a Co-ordinate Bench. Sale proceeds were kept in a separate bank account and were distributed among the parties according to their proportionate shares by the Receiver and Commissioner of Partition after defraying expenses and liabilities. This was done in terms of agreement of the parties in a meeting conducted by the Receiver and Commissioner of Partition. Minutes of the meeting is annexed to the Report.

The Receiver cum Commissioner of Partition filed the Final Report dated 26.02.2024 which may be taken into the record.

The Report shows that an amount of Rs.199.39p is there in the bank account. The Receiver cum Commissioner of Partition shall withdraw the amount and shall utilize the same in the manner as he may deem fit and proper. The Receiver cum Commissioner of Partition shall close the bank account and shall do all the acts, things and deeds necessary and incidental for and connected to his discharge, if to be done, and shall be discharged from his duty as Receiver cum Commissioner for Partition, accordingly.

Let both the suits be disposed of in terms of the final report of the Receiver and Commissioner of Partition dated 26.02.2024 which may be part of the decree.

Let CS 887 of 1965 and CS 1044 of 1965 be disposed of along with pending application, if any.

(Sugato Majumdar, J.)