

OD-3

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CS/65/2023

DAKSHESH UMIYASHANKER DAVE

-VS-

MANESHKUMAR UMIYASHANKER DAVE AND OTHERS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : March 13, 2025.

Appearance:

Mr. Aurin Chakraborty, Adv.

Mr. Prasanta Naskar, Adv.

... for the plaintiff

Mr. Soumyajit Mishra, Adv.

... for the defendants

The Court: The matter is listed as "To Be Mentioned" on receipt of the report from the office of the Learned Master of this Court.

This Court has disposed of CS/65/2023 in terms of the settlement entered between the parties. At the time of taking appropriate steps by the department, learned counsel for the plaintiff and the defendants have submitted a judgment passed by the Hon'ble Supreme Court in Civil Appeal No. 14808 of 2024 in the case of *Mukesh vs. The State of Madhya Pradesh and Anr.* By relying upon the said judgment, both the parties are of the view that the matter should not be sent to the office of the Learned Collector for ascertaining the stamp duty.

This Court finds that both the parties have relied upon a judgment passed by the Hon'ble Supreme Court and as such the matter is required

to be heard on the point whether the judgment passed by the Hon'ble Supreme Court is applicable in the present case.

Let the matter appear on 27th March, 2025 under the heading "Orders".

(KRISHNA RAO, J.)

RS