

D/L- 7
20/03/2025
Ct. No.-6
Aritra

C.O. 958 of 2025

**Shib Sankar Banerjee & Anr.
Versus
Uday Sankar Banerjee & Ors.**

Mr. Angshuman Chakraborty
Mr. Md. Jalaluddin
Mr. Md. Jannat Ul Firdous
...for the petitioner

This application under Article 227 of the Constitution of India is at the plaintiff and is directed against an order being No.14 dated March 6, 2025 passed by the Civil Judge (Sr. Div.), Kandi, District-Murshidabad in Partition Suit No.331 of 2023.

By the order impugned several application were disposed of. But the petitioner is aggrieved by the portion of the order by virtue of which the application under Section 151 of the Code of Civil Procedure filed by the opposite party No.1 stood allowed.

The petitioner herein filed a suit for partition. In such a suit the learned Trial Judge passed an order directing both the parties to maintain *status quo* regarding nature and character of the suit property till the disposal of the suit.

The opposite party No.1 herein filed an application under Section 151 of the Code of Civil Procedure praying

for an order permitting him to complete the incomplete construction.

The learned Trial Judge after taking into consideration the photograph placed observed that a construction already exists but the same is yet to be completed. After taking note of the fact that defendant No.1/opposite party No.1 herein has filed an affidavit with an undertaking that he will not claim any equitable right over the construction allowed the prayer of the defendant No.1 to complete the incomplete construction.

This Court, therefore, is not inclined to interfere with such order.

Since the construction has already come up, such incomplete construction has to be completed to make the same, a habitable one. In view of the fact that the opposite party has filed an affidavit stating that he will not claim any equity, the incomplete construction was rightly allowed to be completed by the learned trial judge.

At this stage, the learned advocate appearing for the petitioner prays for a direction upon the learned Trial Judge to dispose of the Partition Suit expeditiously.

It appears from the order impugned that July 2, 2025 has been fixed for framing of issues.

In the light of the submissions made by the learned advocate for the petitioner CO 958 of 2025 is disposed by requesting the Civil Judge (Sr. Div.), Kandi, District-

Murshidabad to dispose the Partition Suit No.331 of 2023 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)