

Sl. 17
21.03.2025
Court No.6
BP

C.O. 991 of 2025

Arunima Basu & Anr.
-versus-
Rupendra Nath Majumdar & Ors.

Mr. Sukanta Chakraborty
Mr. Anindya halder
... for the petitioners

On a query of this Court as to whether the written statement has been filed, Mr. Chakraborty, learned advocate appearing for the petitioners submits that the written statement has not been filed and the same will be filed very shortly.

This application is at the instance of the defendants in a suit for partition and is directed against an order being no. 10 dated 16th January, 2025 passed by the learned Civil Judge, Senior Division, 1st Court, Hooghly in Title Suit No. 148 of 2024.

The opposite party no.1 herein filed a suit for partition in respect of schedule A and schedule B properties. The defendants/petitioners herein have entered appearance in the said suit but are yet to file their written statement in the said suit. Instead the defendants/petitioners herein have filed an application under Section 151 of the Code of Civil Procedure praying for an order directing the plaintiff

to submit a plan demarcating the area he wants to occupy in respect of his 1/3rd share in A schedule property thereby indicating the path for ingress and egress. An order was prayed for appointing of a commissioner who shall prepare a sketch map upon joint inspection in presence of the plaintiffs and the defendants in respect of 1/3rd share in A schedule property thereby demarcating the portion the plaintiff wants to occupy.

As observed hereinbefore, the suit for partition is at the nascent stage and the petitioners have not yet filed their written statement. The shares of the parties are yet to be declared in such suit. At this stage the prayer for submission of a plan by the plaintiffs in respect of 1/3rd share of A schedule property does not arise.

After going through the impugned order this Court finds that the ultimate conclusion of the learned trial judge was right and, therefore, this Court is not inclined to interfere with the order impugned.

C.O. 991 of 2025 stands disposed of.

It will be open to the petitioners herein to take steps in accordance with law.

It is however made clear that the learned trial judge while deciding the suit shall not be influenced

by any observations made in the impugned order as well as by this Court in this order.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)