

Sl. 16
14.05.2025
Court No.6
BP

C.O. 1548 of 2025

Srikanta Dey
-versus-
Ashoke Kumar Dey & Ors.

Mr. Sadananda Ganguly, Sr. Adv.
Mr. Pradip Kumar Neogi
Mr. Debabrata Roy
Mr. Anirban Saha
Mr. Achintya Kumar Biswas
..for the petitioner

Pursuant to the order dated 2nd May, 2025 the learned District Judge, Hooghly has filed the report. It appears from the said report that the learned Civil Judge (Senior Division), Arambagh, Hooghly has specifically stated in his report dated 7th May, 2025 that the partition commissioner has not taken any initiative to follow the dictum of the Hon'ble High Court in C.O. 3091 of 2023 dated 9th October, 2023 and in spite of several requests being made by the commissioner no steps have been taken. It appears that the partition commissioner has not taken any steps pursuant to his appointment made by the learned trial judge.

Mr. Ganguly, learned senior advocate appearing for the petitioner submits that the partition commissioner has received the fees which the learned trial judge has directed the petitioner to pay to the commissioner.

However, after going through the records of this case this Court is of the considered view that no useful purpose will be served in passing fresh directions upon the partition commissioner to conclude the commission work.

At this stage Mr. Ganguly, learned senior advocate appearing for the petitioner submits that liberty be given to the petitioner to take appropriate steps for appointment of a fresh partition commissioner before the learned trial judge.

In the light of the submissions made by the learned senior advocate for the petitioner, C.O. 1548 of 2025 stands disposed of by giving liberty to the petitioner to file an appropriate application before the learned trial judge. If such an application is filed the learned trial judge shall consider the same and pass necessary orders after giving an opportunity of hearing to the defendants.

There shall, however, be 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.)