

Item-
20. 10-09-2025

sg Ct. 16

FAT 245 of 2025
CAN 1 of 2025
CAN 2 of 2025

Durga Prosad Shaw
Versus
Rama Shaw & Anr.

Ms. Setu Das Roy
Ms. Suranjana Nandi

...for the appellant

Mr. Biswaranjan Bhakat

...for the respondents

1. There is a delay of 2656 days in preferring the preliminary decree.
2. We have been informed that the final decree proceeding has not yet been concluded. The partition suit proceeded ex parte. The learned Trial Court has declared the shares of the respective parties. The final decree proceeding is being contested by the appellant.
3. It is the contention of the appellant that both the brothers are residing happily and there may not be any requirement for partition. However, the shares have already been declared by the learned Trial Court. The declaration of shares are not in dispute.
4. In view thereof, the final decree proceeding shall continue and come to a logical conclusion. It would be open for the appellant to agitate all points before acceptance of the report filed by the Commissioner.
5. We make it clear that we have not interfered with the preliminary decree dated 17-12-2015. Moreover, the appellant has also participated the final decree

proceeding which forfeited their right to prefer any appeal against the preliminary decree.

6. With the aforesaid observations, the appeal and the applications are dismissed. However, there shall be no order as to costs.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)