

1-883 **18.09.
2025**

Ct. No. 06

Ab

CO 2657 of 2025

**Sri Ajoy Kumar Mitra and others
Vs.**

Smt. Ajanta Ghosh.

**Mr. Tapas Bhattacharjee,
Mr. Sujay Bandyopadhyay,
Mr. Jagajyoti Das.**

... for the petitioners.

1. This application under Article 227 of the Constitution of India is at the instance of the plaintiff and the defendant nos. 1 and 2 and is directed against an order being no. 22 dated 9th December 2024 passed by the learned Civil Judge (Senior Division), 2nd Court, Sadar, Paschim Medinipur, in Title Execution Case NO. 9 of 2023.
2. By the order impugned, the written objection filed by the petitioners against the Commissioner's report stood rejected. It is not in dispute that the Commissioner submitted the report on 23rd March 2022 and the final decree has been passed on 23rd March 2022.
3. It is well-settled that the Executing Court cannot go behind the decree. Thus, after the final decree has been passed, there is no scope to file a written objection against the Commissioner's report in the execution proceedings arising out of final decree in a partition suit.
4. Learned Judge of the Executing Court was right in rejecting the prayer of the petitioners for filing the written objection to the Commissioner's report. Accordingly, CO 2657 of 2025 stands dismissed without, however, any order as to costs.

(Hiranmay Bhattacharyya, J.)

