

19.05.2025
Item No.19
gd

CO/2851/2024
ARUP CHAKRABORTY @ ARUP KUMAR
CHAKRABORTY
VS
TINKARI BHATTACHARYYA AND ORS.

Mr. Tapan Kumar Mitra,
Mr. Anupriya Bhattacharya,
Mr. Shibananda Neogi,
Ms. Monalisa Mukherjee,
Ms. Mohua Palit
..for the Petitioner.

This revisional application has been filed for expeditious hearing of the Title Suit pending before the learned trial court and also for direction upon the learned trial court for obtaining the final report of survey passed Commissioner appointed on 21st January, 2019.

It is the case of the petitioner that one Title Suit being T.S. No.40 of 2009 was filed by the opposite parties for partition and the preliminary decree was passed in connection with that.

On 22nd January, 2019 one Jitendranath Chattapadhyay, learned advocate was appointed as survey passed Advocate Commissioner and since then till date no report is filed by the Advocate Commissioner to make amicable partition of the suit property despite having a certain time limits to comply with by the learned Advocate Commissioner.

It is submitted by the learned advocate appearing on behalf of the petitioner that there is a possibility of connivance between the Advocate Commissioner and the learned advocate for the petitioner.

However, nothing on record can be found from the petition.

Be that as it may, it can be seen from the certified copy of the orders passed on various dates starting from 2019 till 21st December, 2023 that the matter is adjourned on all the dates for having the report of survey passed Commissioner.

It is unfortunate that despite having number of days the court has not taken up the matter seriously and has not passed any such direction to compel the Commissioner to submit the report within certain time frame and the ld. Court is not denuded to exercise the inherent power to obtain the report from the Commissioner and for speedy disposal of the suit.

In view of the facts and circumstances, the direction is given to the learned court of Civil Judge (Senior Division), Ghatal, Paschim Midnapore to take appropriate steps and pass necessary direction in order to have the report through survey passed Advocate Commissioner at an earliest so that the final decree can be passed in connection with the suit. The ld. Court is

further directed to make all endeavour for expeditious disposal of the suit.

Hence, in view of that, the revisional application is disposed of.

Since the opposite parties are not being served, this court refrain from making any certain direction excepting directing the learned trial court to dispose of the matter as expeditiously as possible.

(CHAITALI CHATTERJEE (DAS), J.)