OD 1 ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APDT/19/2025
WITH
CS/321/2011
IA NO:GA/1/2025

GHANSHYAM DAS BENANI
VS.
SURESH KUMAR BENANI & ORS.

BEFORE :

THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE MD. SHABBAR RASHIDI
Date : 11th November, 2025

*Appearance* :
*Mr. Suddhasatva Banerjee, Adv.*
*Ms. Swati Chowdhury, Adv.*
*Mr. Sourojit Banerjee, Adv.*
*...for appellant*

*Mr. Anirban Kar, Adv.*
*Mr. Md. S. Haque, Adv.*
*Mr. Munshi Ashiq Elahi, Adv.*
*Ms. S. Das, Adv.*
*...for the respondent nos.14&15*

The Court : Appeal is at the behest of one of the parties in a suit for partition.

In the appeal, apart from the appellant, one respondent is represented. Other parties to the suit, despite service of notice of appeal, are not contesting the appeal.

Before us, the appellant and the appearing respondent invites the Court, to modify the impugned decree.

In such circumstances, the impugned decree is modified in the manner hereafter.

The following portions contained in the judgment and decree shall stand omitted:

> "The Learned Commissioner of Partition shall execute and register necessary registered deeds."
>
> "The Learned Partition Commissioner shall be discharged on execution of necessary registered deeds."

The entire report of the Learned Partition Commissioner, as submitted before the Learned Single Judge shall stand incorporated and be read in the decree.

The Collector or any gazette subordinate of the Collector deputed by him in this behalf, shall assess and separate the stamp duty in respect of the properties assessed for payment of revenue to the Government, in accordance with the declaration contained in the judgement and decree under provisions of Section 54 of the Code of Civil Procedure, 1908.

The appeal stands disposed of in terms of this order. The department is directed to draw up and complete the decree in terms of the directions contained in this order, upon completion of usual formalities. The Registrar, Original Side is directed to send the drawn up decree to the Collector for assessment of Stamp Duty in terms of the Indian Stamp Act, 1899.

APDT 19 of 2025 along with all connected applications stands disposed of without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)

SN/S.Mandi
AR(C R)