

CO. 926 of 2026

18.03.26
D/L
Sl-47
Ct. 06
(Samar)

Swapan Bari (Barai) & Ors.
V.
Smt. Tulsirani Das & ors.

Mr. Achintya Kumar Banerjee,
Mr. A. Bhattacharyya,
... for the petitioners.

1. This revisional application seeks expeditious disposal of a partition suit being Title Suit No. 55 of 2014 pending before the learned Civil Judge (Senior Division) at Bishnupur, District, Bankura.
2. Learned advocate appearing for the petitioners submits that the suit had been decreed in preliminary form as far back on March 31, 2022 and final decree was also drawn up on April 22, 2025. It is submitted that upon the defendant no. 1 resisting the petitioners in taking possession of the suit property an application under Order 21 Rule 35 of the Code of Civil Procedure, 1908 was filed wherein an order was passed on June 30, 2025 thereby directing issuance of writ of possession in terms of the report of the Survey Passed Commissioner.
3. It is next submitted that an application under Order 21 Rule 97 of the Code was also filed by the petitioners which was registered as J. Misc. Case No. 4 of 2025 and which was ultimately disposed of on August 28, 2025.

4. He further submits that upon an application filed by the defendant nos. 1 and 2 in the suit, the learned Trial Court has passed an order dated July 28, 2025 thereby directing the Survey Passed Commissioner to demarcate the shares in favour of the defendant nos. 1 and 2 since the final decree passed in terms of the report filed by the partition commissioner earlier, only the shares of the plaintiffs had been demarcated.
5. It is submitted that the Survey Passed Commissioner has not yet filed report and the suit is pending.
6. In view of the nature of the order proposed to be passed, prior service of notice of the revisional application along with a notice is not being directed, however, the petitioners shall remain obliged to serve a copy of the revisional application along with a copy of this order upon the opposite parties within a week from date. Dates are being fixed now for the learned survey passed advocate commissioner to file reports.
7. Having heard the learned advocate appearing for the petitioners and having perused the material on record, this revisional application is disposed of by requesting the learned Civil Judge (Senior Division) at Bishnupur, District, Bankura to dispose of Title Suit No. 55 of 2014 as expeditiously as possible and preferably within a period of three months from the

next date fixed without granting any unnecessary adjournment to either of the parties. The learned Trial Court is requested to ensure that the learned Survey Passed Commissioner files the requisite report as expeditiously as possible.

8. CO 926 of 2026 stands disposed of with the above observations. No Costs.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)