

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

IA NO. GA/1/2026
ARISING OUT OF
CS/6/2026
In APOT/101/2026
UMA SARAF
Vs
GAUTAM SARAF AND ORS

AND

IA NO. GA/2/2026
ARISING OUT OF
CS/6/2026
In APOT/101/2026
UMA SARAF
Vs
GAUTAM SARAF AND ORS

BEFORE:

THE HON'BLE JUSTICE KRISHNA RAO

AND

THE HON'BLE JUSTICE REETOBROTO KUMAR MITRA

Date : 29th May, 2026.

(Vacation Bench)

Appearance:

Mr. Jayanta Kumar Mitra, Sr. Adv.

Mr. Sarvapriya Mukherjee, Adv.

Ms. Radhika Singh, Adv.

...for the appellant.

Mr. Rudraman Bhattacharyya, Adv.

Mr. Akash Munsh, Adv.

Mr. Orijit Chatterjee, Adv.

Ms. Sabarni Mukherjee, Adv.

...for the respondent nos. 1 to 3.

Mr. Kishore Datta, Sr. Adv.

Mr. Dipendra Nath Chunder, Adv.

Mr. Sarosij Dasgupta, Adv.

Mr. Dhurv Chaddha, Adv.

For the respondent Nos. 4 & 6

Ms. Aruna Ghosh, Adv.

For the respondent no. 5

The Court: By the consent of the parties, the appeal and the connected applications are taken up for hearing.

The defendant No.2 has preferred the present appeal against the Order passed by the learned single Judge in IA GA No.2/2026 in CS/6/2026 dated 22nd May, 2026 wherein the learned judge has directed the special officer upon notice to the parties and their learned advocates to conduct the enquiry and the parties will be entitled to remain present on the date fixed.

On the date of enquiry, the plaintiff/petitioner shall be permitted to enter into the said two rooms and such point shall be recorded the learned single judge. The learned judge also directed that the special officer that during the period of stay in the two rooms of the suit property, the plaintiff shall not cause any disturbance of the annoyance.

This Court finds that the learned judge while passing the impugned order has considered the paragraph 17 of the application which reads as follows :

“17. Further, on 16th May, 2026, the petitioners came to learn through common friends and acquaintances that their two rooms in the said joint family house at CL – 198, Sector –II, Salt Lake, Kolkata 700091 had been unlawfully and forcibly broken open without the petitioners’ consent and knowledge. The petitioners have serious apprehension that their belongings lying therein including personal belongings, valuables including gold and silver jewelleries/articles and important personal documents have been removed, misappropriated, or otherwise dealt with unlawfully. Under such circumstances, the petitioner no. 1 has been constrained to lodge a complaint before the Bidhannagar East Police Station reporting the aforesaid incident on 17th May, 2026, a copy whereof is annexed herewith and marked “H”. An FIR has thereafter been registered on the same day i.e., 17th May, 2026 bearing FIR No. 0035 and FIR Reg. No. 32818003260035. A copy of the FIR is annexed herewith and marked “I”.”

After hearing the parties, this Court was of the view that the only contention of the plaintiff in terms of paragraph 17 of the application that the appellant/defendants in the suits have unlawfully and forcibly broken open without the petitioner's consent and knowledge. Accordingly, this Court directed the learned advocate-on-record of both the parties to visit the suit premises in questions along with the appellant and respondent No.1 and to make inventory of the articles available in the said rooms.

In terms of the direction of this Court, the advocate-on-record of the parties along with the appellant and the respondent No.1 have visited the premises in question and noted down the materials available at the two rooms which are reads as follows :

1. Bedroom 1 – Larger in size

- i) One wooden/plywood box bed.
- ii) Two godrej/steel almirahs.
- iii) One wooden/plywood computer work station.
- iv) One small sofa.
- v) One ceramic artefact.
- vi) One Hitachi split Air conditioner.
- vii) One wooden/plywood stool.

2. Bathroom attached to bedroom 1

- i) Four suitcases of varied size.
- ii) One mid-sized carton
- iii) One small Crompton carton
- iv) One cane mat is transparent plastic bag.
- v) Three small packets (white/blue/red) plastic.
- vi) Two cabinets.

3. Bedroom 2 - smaller is size

- i) Two single beds.
- ii) One wooden/plywood cupboard.
- iii) One small dressing table with mirror.
- iv) One 4 drawer metal filing cabinet.
- v) Two book shelves.
- vi) One loft above entrance door with lock and key system.
- vii) One woolen carpet.
- viii) One mat (silver coloured)
- ix) One framed poster.

4. Bathroom attached to bedroom 2

- i) Washbasin cabinet

The inventory prepared by the learned advocate-on-records of both the parties in presence of the appellant and respondent No.1 shall be kept on record.

The learned advocate appearing for the plaintiff/respondents submits that out of the aforesaid materials/articles, the Serial No. 1 (i), (ii) and (vi), Serial No. 2 (i), (ii) and (vi) and Serial No. 3 (ii), (iv) (vi) and (vii), the plaintiff/respondent No.1 is intending to take the said articles and will not claim the other articles.

The plaintiff is intending to take the said articles from the said rooms. The appellant submits that she has no objection for taking out the said articles by the plaintiff.

In view of the above, the plaintiff/respondents are given liberty to take the above-mentioned articles/materials from the said two rooms in presence

of the advocate-on-record of both the parties on 3rd June, 2026 at 11.00 A.M.

At the time of the taking material out by the plaintiff, the advocate-on – record shall make inventory again and will take the signature of both the parties.

If the advocate-on-record requires any police help for taking out the materials by the plaintiff, the advocate-on-record shall approach the Officer-in-Charge of the concerned police station and Officer-in-Charge shall provide necessary police assistance to the advocate-on-record for compliance of this Order.

As the petitioner is ready and willing to take out these belongings from that said two rooms, thus the impugned order is set aside.

With the above observations, the appeal and the connected applications are disposed of.

This exercise will not create any rights of any of the parties during the trial of the suit.

(KRISHNA RAO, J.)

(REETOBROTO KUMAR MITRA, J.)