

Tanima Ghosh Vs. Gitarani Ghosh

Tanima Ghosh Vs. Gitarani Ghosh

SooperKanoon Citation : sooperkanoon.com/1059913

Court : Kolkata

Decided On : Jan-16-2013

Judge : I. P. Mukerji

Appellant : Tanima Ghosh

Respondent : Gitarani Ghosh

Judgement :

ORDER

SHEET GA NO.18 OF 201.WITH CS NO.356 OF 199.GA NO.117 OF 201.IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE TANIMA GHOSH Versus GITARANI GHOSH BEFORE: The Hon'ble JUSTICE I.P.MUKERJ.Date :

16. h January, 2013.

Mr.A.MitraappeaRs.Mr.R.GhoshappeaRs.Mr.P.K.RoyappeaRs.The Court : There is absolutely no doubt, from the submissions made today that three dag Nos.1751, 1418 and 2525 in Village Maju have been sold by many of Mr.Aniruddha Mitras clients.

It is said on their behalf that these properties did not constitute the subject matters of the present Partition and Administration Suit.

I find from the preliminary decree dated 14th November, 2005 of a Division Bench of this Court that it included ancestral properties at Changurali, Jagatballavpur, Howrah., which are known as Maju.

I further note that this description of properties in the preliminary decree did not exclude any other properties.

Hence, prima facie, I tend to agree with Mr.Roy that properties, which are part of this Partition and Administration Suit have been sold to a third party or parties.

Of course, Mr.Mitras clients are entitled to show on affidavit that these properties were outside the purview of the Partition and Administration Suit.

Furthermore, it has been contended by Mr.Ghosh appearing for Smt.

Priyanka Ghosh and Shayana Ghosh that their signatures and identities have been forged in the deed of conveyance.

They support Mr.Roy, who represents Tanima Ghosh, Arijit Ghosh and Anindita Mullick, being the first, second and third plaintiffs and who are the heirs of late Ranjit Kumar Ghosh.

It further appears that the conveyance was registered on 18th December, 2012, in spite of a letter being written on behalf of Mr.Ghoshs clients on 15th December, 2012 to the registering authority not to register the conveyance.

Hence, I pass the following interim order[s]. Let status quo regarding possession and transfer of the above three-dag numbers be maintained until further order/order[s]. I direct the Joint Receivers to immediately take symbolic possession of the above properties and if they have already taken such possession to retain possession of those properties.

The occupants thereof will occupy the properties under the Joint Receiver[s]. The Joint Receivers will make at least one visit to the above properties and make a list of the occupants thereat.

They will file a report in this Court.

They will be paid remuneration of 500 GMS.each by the plaintiffs.

The visit of the Joint Receivers will be discussed and decided at a meeting called by the Joint Receivers with the parties.

c].The Land authorities will not make any mutation of the transfer in the land records.

d].At the time of hearing of this application, the Registering Authority being the Additional District Sub-Registrar of Bargachia is to cause the records regarding registration of the above conveyance to be brought before this Court.

Let affidavits be exchanged according to the following directions: Let affidavit in opposition be filed by 31st January, 2013.

List this application on 18th February, 2013.

Affidavit in reply, if any, may be filed in the mean time.

All parties concerned are to act on a signed photocopy of this order on the usual undertakings.

(I.

Pkd.

Asstt.

Registrar [C.R.].P.MUKERJI, J.)

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com