

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Sep-25-2014

Judge : Arijit Banerjee

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET GA2944of 2013 CS127of 1996 IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction ORIGINAL SIDE SHIW KUMAR GUPTA
Plaintiff Versus PRITHIRAJ GUPTA & ANR.

Defendants BEFORE: The Hon'ble JUSTICE ARIJIT BANERJEE Date : 25th
September, 2014.

For Plaintiff : Mr.Sakya Sen, Advocate Mr.Chanchal Dutta, Advocate Ms.Krishna
Mullick, Advocate For Defendant No.1 : Mr.Amitava Das, Advocate Mr.A.B.

Dutta, Advocate For Defendant No.2 : Mr.Malay Kumar Ghosh, Advocate The
Court : This is a partition suit.

Four properties are involved.

The plaintiff and the defendants are brothers. The present application has been made by the plaintiff for a direction on the Commissioner of partition to file a comprehensive report by allotting the properties to the respective parties in accordance with their choice exercised by them and to make necessary provisions for payment of owelty money by the respective parties considering the valuation done of the three properties earlier and accepted by each of them.

Three properties that were valued in 2003 by Shri S.

Sengupta, Chartered Engineer, Project Planner and Financial Consultants were Premises Nos.AA/1/6, Desbandhu Nagar, Baguihati, Kolkata, 3/2A, Duff Lane, Kolkata-6 and 13A, Sikdar Para Lane, Kolkata-7.

In my opinion the valuation that was made in 2003, would not hold good today.

Undisputedly there has been inflation and the value of the properties have gone up.

Hence, in my opinion the said three properties should be revalued as of date and for that purpose I appoint Sr.S.

Sengupta, Chartered Engineer, Project Planner and valuation.

In Gupta,32B, Barik 9433376942 is Financial case Sr.Para Sengupta Road, appointed properties as of date.

Consultants is Pratiksha for the not had done available, Apartment, purpose of the Shri Baman Kolkata-34, valuing the earlier Deb Phone said : three Such valuation report be filed in Court within three weeks after the puja vacation.

valuer in all respect.

who The parties will cooperate with the The valuer shall be paid remuneration of 3000 GMS.i.e.Rs.51,000/- to be shared equally by the parties.

For the purpose of revaluation, the earlier valuation report may be taken as the base and appropriate formula may be applied for fresh valuation.

The valuation report will be filed in Court in sealed cover.

As regards the fourth property i.e.96/1A, Garpar Road, Kolkata, the parties are ad idem that the same should be sold by public auction on distributed as is equally where is amongst basis the and the sale parties.

proceeds Accordingly should the be Joint Commissioners of Partition are directed to issue advertisement once in the Telegraph and once in the Ananda Bazar Patrika inviting offerRs.Joint Commissioners will fix consultation with the parties.

the reserve price of the properties The in Upon receipt of the offerRs.the Joint Commissioners will consider the same and place the same before this Court along with a report.

Let such exercise be completed within three weeks after the puja vacation.

Let the matter stand adjourned till 20th November, 2014.

(ARIJIT BANERJEE, J.) msen

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