



2023:JHHC:22648

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 524 of 2022

Hiren Bakshi

... Petitioner(s)

-versus-

1. Sobha Rani Bakshi
2. Indrani Dutta
3. Ruby Maity
4. Sumanta Bakshi

... Opp. Party(s).

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Soumitra Baroi, Advocate.

For the Opp. Party(s) : M/s Indrajit Sinha, Radha Krishan Gupta and
Pinky Shaw, Advocates.

05/04.07.2023: Heard the counsel for the parties.

2. The petitioner has challenged the order dated 6.7.2022 passed by the learned Civil Judge, Sr. Div.-I, Ghatshila in Original Suit No. 10/2008.

3. By the aforesaid order, the objection raised by the petitioner for the Pleader Commissioner's Report in the partition suit in final decree proceeding has been rejected.

4. Counsel for the petitioner submits that a partition suit was filed and decree was prepared. He further submits that he is not objecting the said decree but he is objecting the allocation of the properties made by the Survey knowing Pleader Commissioner. The petitioner had filed an objection petition, which was dismissed without considering the same. He admits that each parties have sold portion of the joint properties but the other objections i.e. made in other paragraphs of the objection petition, have not yet been dealt with by the Trial Court while dealing with the application, thus the trial court has committed illegality.

5. Mr. Indrajit Sinha, learned counsel for the opposite party submits that in absence of details of the properties, which have been sold by the parties, the court could not have adjudicated the dispute raised by the petitioner.

6. Mr. Radha Krishan Gupta supports the case of the petitioner and submits that survey Knowing Pleader Commissioner has not properly allocated the share.

7. After hearing the parties, I find that it is admitted by the parties that each of the parties have sold portion of joint family property, but have not submitted the description of those properties sold by them. Further in the objection petition in several other paragraphs, the reasons for objection for



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allocation of their share have been mentioned by the petitioner and the grounds on which, the petitioner is opposing the report has been mentioned, but that objection has not been dealt with by the Civil Judge, Sr. Div-I, Ghatshila in order dated 6.7.2022. The Civil Judge, Sr. Div-I has only considered the fact that the parties have sold the joint family properties, but they have not disclosed the description of the same. This may be one of the grounds, but the other grounds should have been considered and looked into by the Civil Judge, Sr. Div-I, Ghatshila.

8. Thus, I am of the opinion that the impugned order dated 6.7.2022 needs to be set aside. Accordingly, the same is set aside.

9. The matter is remanded again to the Civil Judge, Sr. Div-I, Ghatshila to decide all the points, raised by the petitioner. The parties are directed to furnish the details of the properties, which they have respectively sold so that the entire issue can be adjudicated by the trial court.

10. With the aforesaid observation and direction, this petition filed under Article 227 of the Constitution is **disposed of**.

(ANANDA SEN, J.)