

Misc. (G) Case No. 12/2025

Present :- Smt. Mandakranta Saha,
Additional District Judge,
2nd Court, Cooch Behar, In-charge-of
ADJ 3rd Court, Cooch Behar.

Order No. 14, dtd. 24.04.2026 :-

Today is fixed for passing order.

This is a case u/s 8(2) of Hindu Minority and Guardianship Act 1956.

The suit is heard in exparte. However at the time of adjudication of the application u/s 8 (2) of Hindu Minority and Guardianship Act 1956 the record is thoroughly perused. It is found from paragraph 4 to paragraph 8 of the aforesaid application that the petitioner intends to transfer by way of exchange the properties purchased in the name of minor. It is also stated in the application that certain portions of land possessed by the minor and their step mother are actually owned by one Manoj Kr. Basak. The latter is in possession of 12 decimals of land in A schedule property.

The record shows that except oral evidence of Swapan Kr. Roy and Manoj Kr. Basak there is no documentary evidence with regard to the disputed landed properties.

The crux of the case of the petitioner is that due to dispute over possession of land with title thereto the petitioner as well as Manoj Kr. Basak have decided to transfer properties by way of exchange. Despite such prayer in the application no document of title i.e. the sale deed or purchase deed are produced in evidence for the purpose of showing that the petitioners actually owned and possessed land in the schedule properties nor any document of title of Manoj Kr. Basak is produced in evidence to establish that the said person owns land and thereby legally capable to make transfer of properties.

In the context, the petitioner is given a chance to adduce evidence in respect of the title deeds relating to the properties describing in schedule of application by 16-05-2026. .

Dictated & Corrected,

Sd/-

Additional District Judge,
2nd Court, Cooch Behar
In-charge-of ADJ 3rd Court,
Cooch Behar

Sd/-

Additional District Judge,
2nd Court, Cooch Behar
In-charge-of ADJ 3rd Court,
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JO Code No. : WB00825