

Title Appeal No. 11 of 2025
CNR No. WBHW060000022025
Present : Mr. Mintu Mallick, Additional Dist. & Sessions Judge, Amta, Howrah
(J.O. Code : WB00694)

Order No. 2 dated 05.12.2025 :-

The instant Appeal under Order 43 of Civil Procedure Code is taken up for hearing along with the application under Section 5 of the Limitation Act.

Learned Advocate appearing for the Appellant submits that there is a delay of 20 days in filing the Appeal, in as much, the Appellant herein did not get the document in time from his Learned Advocate conducting his case before the Trial Court.

Perused the application under Section 5 of the Limitation Act. The petition so filed by the Appellant seems to be bonafide one. Accordingly, the application under Section 5 of the Limitation Act is allowed and the delay of 20 days is condoned.

In view of earlier order the instant Title Appeal is taken up for hearing on the point of admission.

The instant appeal is directed against the impugned Judgment and order dated 28th August 2025 passed by the Learned Civil Judge (Junior Division), Amta, Howrah in Title Suit No. 178 of 2019 and the decree drawn up thereof.

The grievance of the Appellant is that the Learned Trial Court failed to appreciate the prayer of the Plaintiff therein, in as much, in absence of any prayer for declaring the impugned Deed as null and void on the suit before the Leaned Trial Court under Section 34(2) of the Specific Relief Act.

Learned Advocate appearing for the Appellant further submits that the plaintiff might have barred by the Law of Limitation.

Perused the materials on record and the impugned Judgment and order dated 28th August 2025 passed by the Learned Civil Judge (Junior Division), Amta, Howrah in Title Suit No. 178 of 2019.

Considered.

This Court has reason to belief that the Appellant herein, has put forward a debatable case involving substantial question of law and fact.

Accordingly, the Appeal is brought on record as **admitted**.

The appellant are directed to take appropriate steps for causing service of Notice to the other side and thereby to file an Affidavit showing service of Notice to the other side before the matter is taken up next on 29.01.2026 for ascertaining contest.

Contd.....2.

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Contd. Order No. 2 dated 05.12.2025 :-

Call for the Original Case Record from the Learned Civil Judge (Junior Division), Amta, Howrah, in connection with Title Suit No. 178 of 2019.

Let a copy of this order be transmitted to the Learned Civil Judge (Junior Division), Amta, Howrah.

Dictated & corrected by me

Additional District Judge,
Amta, Howrah

Additional District Judge,
Amta, Howrah