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Civil Appeal No. 21 / 2024
CNR No.WBUD05-001819-2024
Present : Sri Plaban Mukherjee, J.O Code- (WB-01427)

Order No.16

Dated: 18.06.2026

Today is the date fixed for order.

Both parties are present by filing hazira through their respective Ld. Advocate.

Ld. Advocates of both parties are also present.

Now, the case record is taken up for passing judgment.

Judgment is ready and and pronounced in open Court.

Judgment containing 12 sheets is kept with the record.

The ordering portion of the judgment is as follows:

Hence, it is,

ORDERED

that the instant Civil Appeal be and the same is allowed on contest but without any order as to cost.

The Order dated 03.04.2024 and the Preliminary Decree dated 06.05.2024 passed by learned Civil Judge (Senior Division), Islampur in Partition Suit No. 96 of 2022 is hereby set aside.

The case is remanded to the Court of the learned Civil Judge (Senior Division), Islampur in view of the provision under Order XLI Rule 23-A of the C.P.C., with a direction to restore the suit to its original file and number and to afford the defendants an opportunity to file their written statement within the prescribed period.

Upon receipt of the written statement, the learned Trial Court shall proceed with the suit in accordance with law and shall adjudicate the issues involved on their merits after granting reasonable opportunity of hearing to all concerned parties for taking the lis to its logical conclusion.

The parties to the instant appeal are directed to appear before the learned Trial Court on 7th July, 2026 in view of Order XLI Rule 26-A of the C.P.C.

Thus the instant Title Appeal is disposed of.

All pending interlocutory applications, if any, stands disposed off accordingly.

Note in the relevant register.

Update in the CIS.

Let a Copy of this Judgment along with the case record of the learned Trial Court be sent to the learned Civil Judge (Sr. Division), Islampur for information and necessary action.

Dictated & Corrected by me.

(PLABAN MUKHERJEE)
Additional District Judge
Islampur, Uttar Dinajpur
In-charge of
AddL. District Judge, FTC 2nd Court,
Islampur, Uttar Dinajpur.

(PLABAN MUKHERJEE)
Additional District Judge
Islampur, Uttar Dinajpur
In-charge of
AddL. District Judge, FTC 2nd Court,
Islampur, Uttar Dinajpur.
Date : 18/06/2026.