

numbered as S.P. Revision Misc. No. 10/ 1971-72 and was dismissed vide order dated 20.05.1975.

5. It is further submitted that in the present case Sk. Jar Ali is the plaintiff and initially when the suit was filed, the order of eviction passed by the Additional Deputy Commissioner in Revision Misc. appeal No. 171/1970-71 dt. 30.04.1971 and the order dated 20.05.1975 passed by the Commissioner Bhagalpur in SP Division Misc. Case No. 10/1972 were challenged but by virtue of amendment in the plaint, the challenge to these orders was deleted and the suit was confined to declaration of title and confirmation of possession.
6. Learned counsel for the appellant has relied upon the judgment passed by the Full Bench of the Hon'ble Patna High Court in the case of *Paritosh Maity*, though passed in the context of Chotanagpur Tenancy Act, and submits that the same principle would apply in the present case also. He submits that there cannot be any bar seeking declaration of title by filing a suit even if the revenue authority have passed order under section 20 of Santhal Pargana Tenancy (Supplementary Provisions) Act directing for eviction of the plaintiffs.
7. He submits that under aforesaid circumstances, the judgment passed in the Title suit no. 125 of 1968 declaring the adverse possession of Jar Ali, who is the plaintiff in the present case and defendant in the Title suit no. 125 of 1968 has become final and therefore the judgement passed in Title suit no. 125 of 1968 (Ext. 7) has not been properly considered by the learned court. He submits that if Ext. 7 is taken into consideration, there can be no dispute with regard to the possession as title was already declared to have been acquired by adverse possession and it is the specific case of the plaintiff in this case that they are in the cultivating possession of the suit property and have also constructed a residential house over the property .
8. Having given the aforesaid background, the learned counsel for the appellants has submitted that the trial Court recorded that the judgment passed in Title Suit No. 125 of 1968 (Ext.7) was challenged before the Deputy Commissioner (Additional Deputy Commissioner) in revision

Misc. Appeal No. 172/1971 wherein it was recorded that the judgment in Title Suit No. 125 of 1968 was collusive. The Learned counsel has submitted that the judgment passed in Title Suit No. 125 of 1968 was never challenged, rather Misc. Appeal No. 172/1971 was arising out of a proceeding initiated under section 20 of the Santhal Pargana Tenancy (Supplementary Provisions) Act. The learned counsel has submitted that the learned trial court has committed error of record.

9. The learned counsel for the appellants has submitted that the first Appellate court has recorded the findings in paragraph 8 of the impugned judgment, but there is no consideration of Ext. 7 at all. The learned 1st appellate court has gone into the legality, validity of Kufinama and held that the learned trial court has rightly disbelieved the Kufinama.
10. Learned counsel for the appellants submits that if Ext. 7 was considered, there was no scope to disbelieve the Kurfanama in as much as Kurfanama was duly accepted as valid by the Revenue Authority in Title Suit No. 125 of 1968 vide Ext. 7 which further became the basis of declaring adverse possession of the present plaintiff, who was the defendant in Title Suit No. 125 of 1968. The judgment in Title Suit No. 125 of 1968 has attained finality.
11. The learned counsel for the appellants has submitted that suit contained in Ext. 7 is referable to suit filed under Section 5 of the Santhal Pargana Settlement Regulation, 1872 and has submitted that there was a complete bar in filing any suit in civil courts established under Bengal, Agra and Assam Civil Courts Acts, 1887 and the suit was required to be filed before the prescribed authority in terms of section 5. Learned counsel for the appellants has also submitted that the consequence of Ext. 7 having not been considered by the learned 1st Appellate Court, the case be remanded or the appeal be allowed on merits as all the documents and materials are already before this court.
12. When this Court called upon the learned counsel for the respondents for his argument, he prays for adjournment.

13. No advance notice seeking adjournment was circulated on behalf of the respondents.
14. However, at the request of the learned counsel for the respondents the matter is adjournment for tomorrow i.e. 17.04.2026 under the same heading.
15. Let this case be treated as part heard.

(Anubha Rawat Choudhary, J.)

Dated: 16.04.2026
Uploaded on: 17.04.2026
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