

**HIGH COURT OF TRIPURA
AGARTALA**

RSA No.37 of 2025

Smt. Laxmi Priya Paul (Das)

..... Appellant(s)

V E R S U S

Sri Liptan Halder

..... Respondent(s)

For Appellant(s) : Mr. Ratan Datta, Advocate.
Ms. Saswati Nag, Advocate.

For Respondent(s) : None.

**HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
_O_R_D_E_R_**

20/01/2026

The appeal has been preferred against the judgment dated 19.06.2025 passed by learned District Judge, South Tripura, Belonia in Title Appeal No.07 of 2023 modifying the judgment passed by the learned Trial Court whereby learned Trial Court granted decree of right, title, interest and recovery of possession in favour of the plaintiff-appellant.

Learned First Appellate Court observed that the original Khatian stood in the name of the vendor of the appellant jointly with his other co-sharers and therefore, it was a joint family property and as such, by purchase from him, from the joint stock, the appellant has become co-sharer therein. Thereby, learned First Appellate Court rejected the claim of recovery of possession on the ground that such relief was not permissible without a partition of land of the total land property of the vendor of the appellant with his other co-sharers.

Mr. Ratan Datta, learned counsel for the appellant submits that both the appellant and the respondent purchased their respective lands from the common vendor namely, Sri Hargobinda Das with specific boundary and the appellant was the prior purchaser. Learned counsel also submits that in both the purchase deeds of the appellant and the respondent, it was clearly mentioned that by amicable arrangement with other co-sharers, their vendor got specific portion of land in the joint stock and thereafter, transferred some

portions to the parties to the lis. Therefore, according to Mr. Datta, learned counsel, the judgment passed by learned First Appellate Court was perverse for misapplication of Section 44 of the Transfer of Property Act.

Court has considered the submission of Mr. Datta, learned counsel and also have gone through the judgment of learned First Appellate Court and other relevant materials placed in the record.

The appeal is admitted on the following substantial question of law:

Whether the judgment and decree of learned First Appellate Court are perverse for misapplication of Section 44 of Transfer of Property Act, specially when both the appellant and the respondent purchased definite portion of land with specific boundaries from the common vendor and separate RORs were also mutated in their respective names.

The appeal may be heard on any other substantial question of law at the time of hearing.

Issue notice upon the respondent by registered post with A/D.

Process has to be filed within seven days.

Call for the record of learned First Appellate Court and learned Trial Court.

The Registry will prepare the paper book and list the matter accordingly in usual course.

JUDGE