

AD-05
Ct No.10
14.07.2025
TN

SA 95 of 1994
IA No: CAN 1 of 2000
(Old No: CAN 4169 of 2020)
CAN 2 of 2002
(Old No: CAN 8087 of 2002)
CAN 5 of 2014
(Old No: CAN 10476 of 2014)
CAN 6 of 2024

Nirmalendu Chakraborti
Vs.
Smt. Sudharani Basu and another

Mr. Indranath Mukherjee,
Mr. Sabyasachi Mukherjee,
Mr. Mrinmoy Nandy,
Mr. Ranabeer Halder

....for the appellant

1. We find that although the appeal was previously admitted, a learned Single Judge of this Court, by a subsequent order dated August 30, 2016, recorded that at the time of admission, no substantial question of law was formulated and directed the Registry to list the appeal before the Division Bench for such formulation.
2. Upon hearing learned counsel for the appellant, we formulate the following substantial questions of law for hearing the second appeal:
 - (i) Whether the learned courts below acted in a perverse manner in making out a third case by holding that the title deeds in favour of the defendant/appellant were fraudulent and collusive;

- (ii) Whether, in the absence of any pleading with regard to particulars of alleged fraud/collusion, as contemplated in Order VI Rule 4 of the Code of Civil Procedure, the courts below were justified in coming to the finding that the defendant/appellant's title deeds were fraudulent/collusive;
- (iii) Whether the suit is barred by the provisions of Section 4 of the Benami Transactions (Prohibition) Act, 1988.

3. Let the appeal be listed now before the appropriate learned Single Judge for hearing.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)