

12th March,
2025
(AK)
23

S.A. 119 of 2024

Md. Ruhul Haque
Vs.
Swapna Pramanik @ Swapan Pramanik and others

Ms. Suchitra Saha
Ms. Sharmita Basu
Ms. Priyanka Das

...for the appellant.

1. The present second appeal will be heard on the following substantial question of law:

Whether both the learned courts below substantially erred in law in dismissing the plaintiff/appellant's suit for *khas* possession solely on the ground that no relief of declaration of title had been sought, in view of the defendants/respondents having failed to set up any case of title and/or the title of the plaintiff/appellant being clouded at any point of time.

2. The appellant shall put in requisites and postal costs for service of notice of appeal on the respondents within a week from date.
3. The trial court records shall be called for by special messenger at the cost of the appellant, also to be deposited within a week.

4. The appellants shall prepare and file the requisite number of informal paper books without comparing with the records within six weeks from date.
5. Liberty to the parties to mention the appeal for inclusion in the list before the appropriate learned Single Judge having determination at the relevant point of time as and when the same is ready for hearing.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)