

16.09.2025
SL No.4
Court No.1
(gc)

**SA 7 of 2024
CAN 1 of 2023**

**Sri Sri Radhagobinda Jew, represented by
the sebayat, Sri Gopal Mukherjee
Vs.
Sri Abhimannyu Mondal, died leaving behind
his heirs, Sri Dibakar Mondal & Ors.**

Mr. Sounak Bhattacharya,
Mr. Jayanta Bhattacharya,
Mr. Sounak Mondal,
Mr. Abhirup Halder,
Mr. Anirban Saha Roy,
Ms. Bipasha Bhattacharyya
...for the Appellant.

1. The second appeal is arising out of an order of reversal. The First Appellate Court has reversed the judgment of the Trial Court and has decreed the suit in full.
2. After hearing the learned Counsel for the appellant, we admit the second appeal on the following substantial question of law:-

i) Whether the First Appellate Court has committed an error of law in holding that the defendant has to discharge the burden of proof in relation to the deed of Arpannama if the plaintiffs are being able to establish and discharge the burden that the said deed of Arpannama was obtained by fraud and misrepresentation?

***Call for the records.
Issue usual notices.***

3. The appellant shall serve a copy of the stay application upon the plaintiffs/opposite parties by Speed Post with A.D. by 18th September, 2025 with an intimation that the stay application shall be listed before the learned Single Judge having the determination on 24th September, 2025 subject to the convenience of the learned Single Judge.
4. The decree of the First Appellate Court shall remain stayed for a period of twelve weeks from date or until further order, whichever is earlier.

[Soumen Sen, C.J. (Acting)]

(Apurba Sinha Ray, J.)