

10 04.10.23

Ct. No. 04

akd

S.A.T. 172 of 2023
CAN 1 of 2023

Sri Lakshminarayan Dey @ Lakshmi Narayan Dey
Vs.
Debabrata Jana & Ors.

Mr. Saunak Bhattacharyya,
Mr. Raghunath Das,
Mr. Abhirup Halder.
... for the appellant.

The appeal shall be heard on the following substantial questions of law:

- I. Whether both the Courts below were justified in dismissing the suit on the ground that all the heirs of Atal were not made parties to the partition deed executed in the year 1937 despite the fact that their right do not fructify as Atal was alive being one of the executant of the said deed of partition?
- II. Whether both the Courts below were justified in arriving that Rohini did not occupy “ka” schedule property described in the plaint without ascertaining the description thereof which tallies with the “unga” schedule property in the solenama, which was exclusively allotted to Rohini?
- III. Whether the Courts below substantially erred in construing the intent and purport of the deed of partition executed in the year 1937 and the solenama and arrived at a perverse finding contrary to the aforesaid documentary evidence?

Re: CAN 1 of 2023

The appellant is directed to serve copy of the instant application upon the respondents by speed post

and shall file affidavit of service on the returnable date.

The application is made returnable on 16th October, 2023 before the appropriate Bench.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)