

AD - 11
Ct No.16
11.02.2026
(SSS)

SAT 190 of 2023
with
CAN 1 of 2023

Panchanan Ghorai and Anr.
Vs.
Shrimati Shobha Rani Jana and Ors.

Mr. Rabindranath Mahato,
Mr. Aritra Shankar Roy
.....For the appellants.

1. This second appeal will be heard on the following substantial questions of law:-

(i) Whether both the learned Courts below substantially erred in law in totally overlooking Exhibit D, the purchase deed of the defendants/appellants, to hold that the appellants do not have any title to 'Kha' Schedule of the suit property?

(ii) Whether, in view of neither party having been able to prove the genealogy of the successors of the original vendors of the suit property in respect of 'Kha' schedule property, the learned Courts below substantially erred in law in declaring title in respect of the 'Kha' schedule property in its entirety in favour of the plaintiffs?

2. The injunction application is now taken up for hearing.

3. While admitting the appeal, we have formulated grounds only in respect of the 'Kha' schedule suit property, since we are not convinced that any substantial question of law has been raised by the appellants with regard to the 'Ka' schedule property inasmuch as that both the Courts below concurrently found that there were no signatures of the vendors of the appellants in the deed of settlement purportedly executed in their favour in respect of the said property.

4. However, insofar as 'Kha' schedule property is concerned, as described in the plaint of the suit from which the present second appeal arises, a sufficiently strong *prima facie* case has been made out for grant of injunction.

5. Accordingly, both parties shall maintain *status quo* with regard to transfer, alienation or encumbering the 'Kha' schedule property as described in the plaint of Title Suit No. 173 of 2001 in any manner and/or creating third party interest in respect thereof till disposal of CAN 1 of 2023.

6. The appellants shall serve copies of CAN 1 of 2023 on the respondents, indicating that the application shall be listed before the appropriate

learned Single Judge having determination as and when mentioned by the parties.

7. An affidavit of service shall be filed to that effect before the learned Single Judge when the application is taken up for hearing by the said Bench.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)