

AD – 45
Ct No.16
07.05.2026
(SSS)

FAT 541 of 2025
with
CAN 1 of 2025
with
CAN 2 of 2025

Paramjit @ Paramjeet Kaur Chawla and Ors.
Vs.
Shree Joy Singh and Ors.

Mr. Sagnik Chatterjee,
Mr. Sayan Mukherjee
....For the appellants.

1. Affidavit of service filed today be kept on record.
2. It transpires from the track reports annexed thereto that effective service has been effected on the respondents inasmuch as some of the envelopes have returned with the endorsement “refused”, which is good service.
3. Since sufficient explanation for the delay of about 20 days in preferring the appeal has been furnished, CAN 1 of 2025 is allowed, thereby condoning the delay in preferring FAT 541 of 2025. The appeal be deemed to stand registered and admitted. There will be no order as to costs.
4. The present challenge has been preferred against a judgment and decree whereby the

plaintiffs/appellants' suit for declaration that a deed of sale purportedly executed by respondent no. 6, their mother, was obtained by fraud and misrepresentation as well as for ancillary reliefs, was dismissed.

5. The learned Trial Judge proceeded apparently on the premise that the appellants did not have the *locus standi* to maintain the suit, since the mother herself did not file the suit. Secondly, it was observed that it transpires from the deed that the proforma respondent no. 6-mother sold her share only.

6. Learned counsel for the appellants argues that since the appellants were co-sharers along with their mother (proforma respondent no. 6) in respect of the suit property, in any event, the appellants had threshold *locus standi* to maintain the suit, at least with regard to the transfer by their mother of the appellants' share. Even otherwise, it is contended that from the written statement and the evidence of the proforma respondent no. 6-mother, it would be palpably clear that she supported the case of the plaintiffs to the hilt and established on evidence that she, being a Punjabi lady, did not have knowledge of Bengali, in which language the deed was executed

and as such, fraud/ misrepresentation was practised on her.

7. Learned counsel submits that from the deed itself, it would appear that the proforma respondent also sold the shares of the appellants.

8. Thus, a strong *prima facie* case has been made out for hearing the appeal on merits on the grounds indicated above and the other grounds taken in the memorandum of appeal.

9. Accordingly, respondent nos. 1 to 5 and/or their men and agents shall remain restrained by an order of injunction from selling, transferring, alienating and/or creating any third party interest in respect of the suit property and/or from disturbing the peaceful possession of the plaintiffs/appellants in respect of the suit property till disposal of the appeal.

10. The appellants shall put in postal costs and requisites for service of notice of the appeal on the respondents as well as the proforma respondent no. 6 within a fortnight from date.

11. The trial Court records shall be brought by special messenger at the cost of the appellants, to be deposited within a fortnight.

12. The appellants shall prepare and file the requisite number of paper books within eight weeks from the date of service of notice of arrival

of the trial court records on the learned Advocate for the appellants.

13. Liberty to the parties to mention the appeal for enlistment as and when the same is ready for hearing.

(Sabyasachi Bhattacharyya, J.)

(Biswaroop Chowdhury, J.)