

JP-07
Ct No.07
16.06.2026
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Civil Appellate Jurisdiction

C.O. 79 of 2026

Mosaraf Hossain Sarkar @ Hoque and others
Vs
Chayan Haque and others

Mr. Momenur Rahman
Mr. Bikash Singha

.... for the petitioner.

1. By the impugned order, the learned Trial Judge dismissed the application of the defendants/petitioners under Order VII Rule 11 of the Code of Civil Procedure, inter alia, for rejection of the plaint of a suit filed by the plaintiff/opposite parties.
2. Even as per the plaint case, the deed, of which cancellation was sought, was executed in the year 1982 by the plaintiff no.1 on behalf of plaintiff nos.2 and 3, who were then minors, as well as on behalf of himself.
3. As per the frame of the suit, the cancellation has been sought primarily on the ground of minority of plaintiff nos.2 and 3 at the relevant juncture.
4. Learned counsel for the petitioners argues that even going by the plaint pleadings, if the deed was executed in the year 1982, plaintiff nos.2

and 3 attained majority long prior to the institution of the suit in the year 2025.

5. Thus, since the law precludes a challenge to a deed on the ground of minority after the stipulated limitation period of three years from attainment of majority, it is argued that the suit is palpably time-barred.
6. That apart, since the primary relief sought in the suit is the cancellation of the concerned deed of 1982 and the other reliefs, including declaration of title, are ancillary reliefs, it is contended that the suit is grossly undervalued and the learned Trial Judge ought to have taken into consideration such aspect and direct the plaintiffs to correctly value the suit; in default, rejecting the plaint.
7. There is substance in such contention, as evident from the averments made in the plaint and the reliefs sought therein.
8. Accordingly, the revisional application is required to be heard on such grounds.
9. The petitioners shall serve copies of C.O.79 of 2026 on the opposite parties, indicating that the revisional application shall be listed before the next Circuit.
10. The petitioners shall file an affidavit-of-service on the returnable date.

11. There shall be stay of all further proceedings in Title Suit No.65 of 2025 pending before the First Court of Civil Judge, Junior Division at Jalpaiguri till disposal of the present revisional application.

(Sabyasachi Bhattacharyya, J.)