

Item No.35  
01.09.2025  
Court. No. 1  
GB

*CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI*

SAT 18 of 2025  
With  
CAN 1 of 2025

Smt. Shyamla Barman & Ors.  
VS  
Sri Sudhir Barman & Ors.

*Mr. Narendra Nath Das,  
Mr. Pragyadip Roy Basunia,  
Mr. Jogesh Chandra Roy,  
Mr. Debajyoti Roy*

*...for the Appellant.*

1. Being aggrieved by a judgment and decree passed by the learned Additional District Judge, 1<sup>st</sup> Court at Cooch Behar on June 13, 2025 in Title Appeal No.29 of 2025, reversing the judgment and decree passed in Title Suit No.3 of 2012 dated June 29, 2015 by the learned Civil Judge (Junior Division) at Cooch Behar, the appellants have preferred this appeal.
2. It is a judgment of reversal.
3. The appeal is admitted on the following questions of law.

I) Whether the learned appellate court erred in setting aside the judgment and decree of the learned trial judge on the ground of non-joinder of Naresh Chandra Barman, who was not concerned with the dispute involved in the suit. The dispute was restricted to an area of land allegedly owned,

enjoyed and possessed by the appellants, as delineated in the schedule of the plaint

II) Whether non-impleadment of Naresh Chandra Barman would be fatal to the suit, when the cause of action of the appellants was against the respondents who were allegedly disturbing the possession of the appellants in respect of 2.88 acres of land.

III) Whether Naresh Chandra Barnman was either a necessary or a proper party for adjudication of the dispute between the appellants who claimed to be the exclusive owners of 2.88 acres of the plots in question, especially when Naresh Chandra Barman did not have any right, title and interest in respect of the said 2.88 acres of land.

4. Let hearing of the appeal be expedited.
5. The plaintiffs/appellants are, therefore, directed to put in the requisites, namely, postal costs, written up notice forms and correct postal address of the defendant/respondent for effecting service of notice of appeal by registered post with acknowledgement due within a week from date. In default, put up for final orders.
6. The office is directed to effect service upon the defendant/respondent immediately and upon completion of service shall put a note that the appeal is ready as regards service.

7. Let the Trial Court's Records be called for through the Special Messenger at the cost of the plaintiffs/appellants. Such cost shall be put in within a week from date.
8. Immediately, after arrival of the Trial Court's Records, office shall examine the same and if found complete, shall issue notice of arrival of Trial Court's Records on the Advocate-on-Record of the plaintiffs/appellants under Rule 12 of Chapter IX of the Appellate Side Rules.
9. The plaintiffs/appellants are directed to prepare and file eight copies of informal paper books – printed, typewritten or cyclostyled, as the case may be – out of court, within a period of four weeks from date.
10. All other formalities regarding preparation of paper books are dispensed with.
11. After fulfillment of all other formalities, the office shall put a certificate that the appeal is otherwise ready for hearing and liberty is given to the parties to pray for early disposal of the appeal

**In Re: CAN 1 of 2025**

12. Considering the issues involved, let status quo as on date be maintained with regard to the nature, character and possession of the property in question for a period of eight weeks.

13. Let the application be served upon all the respondents. Affidavit-of-service to be filed on the next date.
14. Let the application be placed before the appropriate Bench.

**(Shampa Sarkar, J.)**

**(Prasenjit Biswas, J.)**