

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
APPELLATE SIDE**

17.12.2025  
Court No.01  
rpan/08

**SAT 22 of 2025**  
**Sri Partha Sarathi Das & Another**  
– *Versus* –  
**Smt. Paramita Bakshi**

Mr. Amales Ray,  
Mr. Nigam Mittal  
... for the Appellants.

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

1. Whether the learned first appellate Court substantially erred in law in appreciating the underlying principle and the extent of applicability of the provisions of Section 111 of the Indian Evidence Act, 1872 in the backdrop of a relationship among the defendant/daughter and the plaintiff/father (since deceased), in which the former is in a position of active confidence ?
2. Whether the learned first appellate court erred in law in shifting the onus upon the plaintiff/father (since deceased) to prove the deed exhibited though admittedly the defendant/daughter would be benefitted by the transaction ?

3. Whether the expression '*in a position of active confidence*' embodied in Section 111 of the Indian Evidence Act, 1872, would be applicable in a fiduciary relationship founded on trust and confidence in between an aged father and his daughter ?

Let the hearing of the appeal be expedited.

The appellants shall put in the requisites for service of notice of appeal upon the respondent within a week after the Vacation.

Trial Court records be called for through Special Messenger at the cost of the appellants. Such cost shall be deposited within a week after the Vacation.

Immediately after arrival of the trial Court records, the office shall examine the same and if found complete, shall issue notice of arrival of trial Court records to the learned advocates appearing for the appellants and the respondent.

The appellants are directed to prepare requisite number of informal paper books out of Court within four weeks from the date of service of notice of arrival of trial Court records and to file the same after serving copy to the respondent.

All formalities regarding preparation of paper books are dispensed with.

Parties would be at liberty to mention the appeal for final hearing after filing of the paper books.

**(Biswaroop Chowdhury, J.) (Tapabrata Chakraborty, J.)**