

15 **23.02.
2026**

Ct. No.04

Ab

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION.**

CO 236 of 2025

**Sri Bharat Bhusan Pincha
Vs.
Sri Bikash Kr. Pincha and others.**

**Mr. Amales Roy,
Mr. Nigam Mittal,
Ms. Akshita Chhetri.**

... for the applicant.

**Mr. Satyam Sarkar,
Mr. Debayan Goswami.**

... for the opposite parties.

1. The applicant, one of the defendants in a partition suit being Title Suit (Partition) No. 80 of 2023, is aggrieved by the order passed by the learned trial Court on August 29, 2025.
2. By the impugned order, the learned trial Court has held certain documents, evidence of a gift made by the mother of the applicant, the defendant no. 1 in the title suit, to the applicant's wife. Such bequest has been challenged by the plaintiffs as no documents were produced in support of such contention nor any particulars provided of such alleged deed.
3. The learned trial Court has proceeded to allow the application under Order XI Rule 14 of the Code of Civil Procedure, 1908 (hereinafter in short 'CPC') in favour of the plaintiffs declaring that the property in question, for which the Deed of Gift has been executed, as part of the suit property.

4. I have heard learned Advocates for the parties and considered the records.
5. It appears that it is a fact that no particulars of this Deed of Gift by which the mother of the applicant had allegedly gifted a property in Rajasthan to his wife, has been disclosed. It is also a fact that no particulars of such gift deed have been disclosed by the applicant. A mere bald statement has been made, which is grossly insufficient to keep this property outside the realm of the partition suit.
6. At the same time it is a matter of final adjudication, particularly upon disclosure of such documents, whether such property will fall within the ambit of the partition suit.
7. In view of such circumstances, the order of August 29, 2025 passed by the learned trial Court is modified to the extent that the applicant will furnish a copy of the documents including the gift deed to the plaintiffs, who shall be at liberty to obtain a certified copy thereof, if so advised.
8. With these observations and directions, CO 236 of 2025 is disposed of.
9. There shall, however, be no order as costs.
10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)

