

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

SAT/2/2026
(IA NO: CAN/1/2026)

Shri Radeshyam Mondal

Vs.

Shri Ujjal Halder

Mr. Gopala Binnu Kumar
Mr. Prodip Kumar Bala

... for the appellant

January 29, 2026
[SR]
Item No.04

This is a second appeal directed against the judgment and order of the First Appellate Court dated December 04, 2025 whereby the First Appellate Court dismissed the appeal of the present appellant, affirming the judgment and order of the learned Trial Court dated June 05, 2024 whereby the appellant's suit was dismissed.

The appeal will be heard on the following substantial questions of law.

1. Whether both the trial court and the first appellate court failed to consider that the appellant apart from other relief also sought for permanent injunction restraining the respondent from interfering with the possession of the appellant and from changing the nature and character of the land bearing Survey No. 424/1, 424/2, 426, 428, 429, 431, 520/1 and 553, measuring total area 4.0100 hectares, all situated at Ram Nagar Village, Diglipur Tehsil, North & Middle Andaman District but no issue was framed by the court nor any adjudication was made.

2. Whether the appellant can be deprived of his right in respect of the suit property bearing Survey No. 424/1, 424/2, 426, 428, 429, 431, 520/1 and 553, measuring total area 4.0100 hectares, all situated at Ram Nagar Village, Diglipur Tehsil, North & Middle Andaman District despite filing a suit alongwith the prayer for permanent injunction without framing the issue and without adjudicating the same.

3. Whether the learned Trial Court and the First Appellate Court failed to adjudicate as to whether the appellant physically possesses the property, possession was visible and apparent to the true owner and as to whether such possession continued for the entire statutory period of 12 years without interruption and the possession is adverse to the interest of the true owner.

4. Whether the First Appellate Court failed to appreciate that there is no finding by the learned Trial court as to the consideration whether the appellant is in possession of the subject land or not and dismissed the suit.

5. Whether the appellant is in possession of the subject land or not to consider adverse possession, as the appellant is not claiming his title over the suit land on the basis of documents?

6. Whether once the validity of the WILL is challenged in Andaman and Nicobar Islands, the incumbent has to obtain a probate from the learned District Judge?

Re: CAN/1/2026

Let the stay application be served on the respondent along with a copy of the memo of appeal and affidavit of service be filed in Court on the next date.

List this matter on next Friday (February 06, 2026).

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)