

HIGH COURT OF TRIPURA
AGARTALA

RSA No.21 of 2025

- 1. Shri Dipankar Nath (Aged about 46 years),**
S/o Shri Niranjana Nath.
- 2. Smt. Arati Nath (Aged about 40 years),**
W/o Sri Dipankar Nath.
- 3. Shri Pabitra Nath (Aged about 37 years),**
S/o Shri Niranjana Nath.

All are resident of Village Laxminagar, Ward No.2, P.O. Kherangjuri, P.S. Churaibari, Dist. North Tripura, PIN 799262

..... **Appellant(s)**

- Versus -

Shri Pratap Chandra Nath (Aged about years),
S/o Sri Prajesh Chandra Nath.

All are resident of Village Laxminagar, Ward No.2, P.O. Kherangjuri, P.S. Churaibari, Dist. North Tripura, PIN 799262.

..... **Respondent(s)**

For the Appellant(s)	:	Mr. Suman Bhattacharjee, Advocate.				
For the Respondent(s)	:	Mr. Sankar Bhattacharjee, Advocate.				
Date of hearing and delivery of Judgment & order	:	20th November, 2025.				
Whether fit for reporting	:	<table border="1"><thead><tr><th>YES</th><th>NO</th></tr></thead><tbody><tr><td></td><td>✓</td></tr></tbody></table>	YES	NO		✓
YES	NO					
	✓					

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT & ORDER (ORAL)

Heard Mr. Suman Bhattacharjee, learned counsel for the appellants and Mr. Sankar Bhattacharjee, learned counsel for the respondent.

[2] The case of the respondent-plaintiff is that he purchased the suit land of area 0.06 acre from plot No.2494/4164 of Mouja Laxminagar, Tehsil Churaibari from one Sanjay Nath, Shobha Rani Nath and Usha Rani Nath on 27.10.2017 and thereafter khatian

was also created in his name but as alleged, thereafter he was dispossessed from the suit land by the defendant-appellants on 21.03.2021. Thereafter the instant suit was filed by him praying for declaration of right, title and interest in respect of his purchased land and also recovery of possession of part of the said land.

[3] The defendants have claimed that appellant No.2 purchased 0.34 acre of land from the same vendors on 13.03.2019 and said land was also mutated in her name as against RS plot No.2494/4234 and on the strength of such purchase, she has been possessing the suit land since then. As it appears, the plaintiff-respondent is the prior purchaser from the common source and the purchased plots of both the parties pertain to different plot numbers.

[4] Both sides led their evidences during trial and also proved certain documents and finally learned Trial Court decreed the suit and granted relief of declaration of right, title and interest and also for recovery of possession as sought for. Challenging the judgment, Title Appeal No.18 of 2023 was filed which was also ultimately dismissed by the learned District Judge, North Tripura, Dharmanagar on 19.11.2024 against which the present second appeal has been preferred.

[5] Mr. Suman Bhattacharjee, learned counsel for the appellant submits that from the side of defendant-appellants, a report of concerned Tehsildar was proved on record (Exbt.C) and as

per said report, the map was drawn incorrectly with reference to the purchased plot of the plaintiff and therefore, despite the fact the defendants are not claiming the purchased land of the plaintiff, in execution proceeding if such map is relied on, it will attract purchased land of the defendant-appellants and therefore, learned Courts below have erred in properly appreciating said Exbt.C. According to Mr. Suman Bhattacharjee, learned counsel, this appeal is required to be admitted on the substantial question of law to decide whether a suit can be decreed on the basis of a map when the report of Tehsildar evidently speaks of wrong drawing of the map.

[6] Court has considered the submission of Mr. Suman Bhattacharjee, learned counsel and the materials placed in the record.

[7] From the written statement submitted by the appellants before the learned Trial Court, it appears that they alleged that boundary description as given by the plaintiff in the plaint was not correct, rather suit land should be identified on the basis of trace map. Therefore, in clear terms, they relied on the said map. But, during trial, they took a complete contradictory plea and proved a report of Tehsildar containing the opinion that the map was wrongly drawn. In such a situation, it is not clear to the Court as to how learned Trial Court allowed the appellants to prove such a document into evidence taking a total contradictory stand giving beyond their pleading. Said Tehsildar was also not examined in this

case. From the judgment of both learned Courts below, it appears that both the Courts have also dealt with said report with certain reasonings.

[8] Considering all these aspects, this Court finds no substantial question of law involved in the present appeal requiring its admission. Therefore, the appeal is not admitted.

Pending application(s), if any, also stands disposed of.

Copy of this order be communicated to the learned Courts below.

JUDGE



Rudradeep SUJAY GHOSH

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