

Item-8. 26-07-2022

SA 160 of 2019
CAN 1 of 2016 (old CAN 11906 of 2016)

^{sg} Ct. 8

Jagabandhu Pal & Ors.
Versus
The District Land & Land Reforms, Hooghly & Ors.

None appears on behalf of the appellants. Even on the earlier occasion i.e. on 11th July, 2022, the appellants were not represented.

In view of our order dated 11th July, 2022, we decide the admission of this appeal on the basis of the available records.

The appeal is directed against an appellate judgment and decree dated 29th January, 2016 by which the learned Appellate Court has affirmed the judgment and decree dated 13th July, 2009 of Title Suit No. 62 of 2007 passed by the learned Civil Judge (Senior Division), 2nd Court at Hooghly, District Hooghly.

The plaintiffs filed a suit for declaration of title and permanent injunction. It is elementary that the plaintiffs have to establish their right, title and interest in respect of the said property. The plaintiffs relied upon 'Amalnama'. Both the courts have held that the said document is a conditional document as it requires execution of 'Kabuliyat and Patta' for acquiring any title in respect of the property. The appellants could not produce the said document or call for production of the said document from the appropriate authority. The record of rights does not create any title.

It was on the aforesaid basis, the suit was dismissed. The Appeal Court had accepted the said finding and affirmed the

decree of the Trial Court. The plaintiffs having failed to establish the title in respect of the suit property, are not entitled to claim any declaratory reliefs over the said property.

The appeal stands dismissed at the admission stage. The application is also dismissed.

We direct the learned Registrar Administration (L&OM) to communicate this order to the learned Civil Judge (Senior Division), 2nd Court at Hooghly, District Hooghly in connection with Title Suit No. 62 of 2007 for information.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)