

**ASR 9.
5.12.2022**

**SA 99 of 2022
With
CAN 1 of 2021**

**Siraj Gazi & Ors.
Vs.
Aminuddin Laskar**

Mr. Sounak Bhattacharya

.....For the Appellants

**Mr. Asish Chandra Bagchi
Mr. Satyajit Mandal
Mr. Amit Bisrom Mahato**

.....For the Respondent no. 1

In this second appeal, it appears from the submission of learned counsel for the parties that the finding of facts made by the learned trial court regarding title to the subject properties was reversed by the first appellate Court. This has had a serious effect on the partition decree.

On examination of the judgement and decree of the first appellant Court, we are of the view that the dispute regarding title involved in the appeal needs a more extensive and detailed consideration and determination.

The ends of justice would be subserved, if the judgement and decree of the first appellate Court is set aside and the appeal be remanded to that court, to be

considered afresh on the grounds made therein and the materials on record within six months from date

We order accordingly.

The impugned judgement and decree dated 4th March, 2020 is set aside with the above direction.

The Second Appeal (SA 99 of 2022) may be shown in the records to be formally admitted and disposed of by this judgement and order.

The connected application (CAN 1 of 2021) is disposed of.

(I. P. Mukerji,J.)

(Biswaroop Chowdhury,J)