

30.09.2022
SL No.4
Court No.8
(gc)

**SAT 232 of 2014
CAN 5976 of 2014**

**Kenaram Singh & Ors.
Vs.
State of West Bengal & Ors.**

The matter was adjourned yesterday, i.e. 29th September, 2022 on the prayer of the learned Counsel representing the appellants. This matter was also adjourned earlier. The appellants are not diligent to proceed with the matter. The second appeal was filed in the year 2014 without any desire to move the second appeal.

The Appellate Court confirmed the decree of the Trial Court dated 21st May, 2012 is the subject matter of challenge in this second appeal. The appellate decree is dated 29th March, 2014. The appellants filed a suit for declaration and permanent injunction. In the suit, the plaintiffs claimed right, title, interest and possession in respect of the suit schedule property and also with a prayer for correction of the record of rights. Insofar as the first relief is concerned, the plaintiffs could not substantiate their right of possession based on the documents produced before the learned Trial Court. The plaintiffs in order to substantiate their right over the suit property had relied upon the deeds of sale executed by one Tribikram Goswami in favour of Hari Singh and Digambar Singh, marked as Exhibit-4 and Bhadra

Kumari and Bhakta Kumari, marked as Exhibit-5. On examination of the said two exhibits, both the Courts have arrived at a finding that 22 acres and 88 decimals of land were altogether transferred but the deeds on which the plaintiffs have right does not give any schedule of the property, nor the khatian number or plot number. Contrary to this, the defendants have produced relevant documents showing transfer and possession. The Court cannot decide the matter without plaintiffs clearly establishing their right, title and interest in respect of a property in the definite description. Insofar as the other prayers are concerned, we feel that the Civil Court cannot grant such reliefs as rightly observed by both the Courts.

We do not find any substantial question of law is involved in the second appeal.

Accordingly, the second appeal being SAT 232 of 2014 stands dismissed at the admission stage.

In view of dismissal of the second appeal, the application being CAN 5976 of 2014 stands dismissed.

However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)