

24.04.2024
Sl. No.64(DL)
srm

C.O. No. 138 of 2024

Ratna Debnath

Versus

Mamata Rani Das Majumder & Anr.

Mr. Satyam Mukherjee,
Ms. Sayani Ahmed,
Mr. Purnendu Shekhar Ghosh

...for the Petitioner.

Mr. Rabnindranath Mahato,
Mr. Bipul Kumar Mondal,
Mr. Aritra Shankar Ray

...for the Opposite Party No.1.

1. The order that can be passed in this revisional is that

Title Suit No.154 of 2008, which is pending before the

learned Civil Judge (Junior Division), 2nd Court at

Barasat, North 24-Parganas, must remain stayed till

disposal of Title Appeal No.21 of 2020, which is

pending before the learned Additional District

Judge, 3rd Court at Barasat, North 24-Parganas.
2. This order is required to be passed in order to avoid

conflicting decisions. Both the title suit and the title

appeal deal with the selfsame property, in which the

parties have rival claims.

3. The petitioner claims 33 decimals in the suit property, whereas the opposite party No.1 claims 19 decimals in the selfsame property. The petitioner obtained a decree of declaration of title in respect of 16.5 decimals, instead of 33 decimals. He preferred the appeal.
4. Thus, if the later suit proceeds and a decision is taken, there may be a conflict of decisions. The title appeal arose out of Title Suit No.99 of 2008, which was a prior suit. Title Suit No.154 of 2008 had been stayed till disposal of Title Suit No.99 of 2008. The appeal is a continuation of the suit.
5. Aggrieved by the judgment and decree passed in Title Suit No.99 of 2008, the title appeal was preferred and a prayer was made before the learned trial judge for stay of Title Suit No.154 of 2008 on the ground that if the suit proceeds and is decided, the appeal will become infructuous or if conflicting decisions are passed, then there will be multiplicity of proceedings.
6. I agree with the contention of Mr. Mukherjee, learned Advocate for the petitioner.

7. Thus, until Title Appeal No.21 of 2020 is disposed of.
Title Suit No.154 of 2008 shall remain stayed.
8. A rival claim has been made by the opposite party
No.1 in Title Suit No.154 of 2008. The adjudication of
the same is being delayed in view of pendency of the
title appeal, thus the learned court before whom the
title appeal is pending, is requested to dispose of the
appeal within a period of six months.
9. The order impugned is set aside.
10. The revisional application is, thus, disposed of.
11. There shall be no order as to costs.
12. Parties are directed to act on the basis of the server
copy of this order.

(Shampa Sarkar, J.)