

2nd April, 2024
(D/L No.18)
(SKB)

SAT 125 of 2008
With
CAN 1 of 2013 (Old CAN 10374 of 2013)
With
CAN 2 of 2013 (Old CAN 10378 of 2013)
With
CAN 3 of 2024

Ram Krishna Sarkar and others
Versus
Samarendra Singha

Mr. Haradhan Mondal
... for the plaintiffs/appellants.

1. Heard learned counsel for the plaintiffs/appellants.
2. The plaintiffs are the appellants against a reversing judgment. The plaintiffs had filed the suit for declaration of their right, title and interests over the suit property on the basis of recording of the name of the predecessor-in-interest of the plaintiffs in the C.S. Record of Rights.
3. Defendants contested the suit by filing written statement and denied the title and possession of the plaintiffs. They produced both R.S. Record of Rights and L.R. Record of Rights vide exhibits B, C and D along with rent receipts and tax receipts in respect of the suit property to show their possession and title over the same. They also made alternative claim of adverse possession over the suit property. However, the claim of adverse possession was never pressed.

4. Learned trial court on the basis of C.S. Record of Rights recorded the decree in favour of the plaintiffs holding that C.S. Record of Rights is a document of title.
5. The defendants preferred appeal.
6. Learned appellate court while disposing of the appeal, held that when there is conflict between recordings in two Record of Rights, the recordings in the recent/later Record of Right shall prevail and, accordingly, learned appellate court reversed the judgment and decree passed by the learned trial court holding that the defendants did not produce any document of title before the learned trial Court.
7. Learned counsel for the appellants now canvass the following substantial question of law:
 - a) Whether the judgment passed by the learned lower appellate court is perverse in view of the fact that the line of inheritance of the plaintiffs has been overlooked giving primacy to R.S. Record of Rights and L.R. Record of Rights and
 - b) Whether the claim of adverse possession by the defendant is a proof of weak claim in their favour on the basis of the aforesaid R.S. Record of Rights and L.R. Record of Rights.
8. Having heard learned counsel for the plaintiffs/appellants and having perused the

judgment of both the courts below, we fill constrained to say that both the aforesaid questions formulated by learned counsel for the appellant falls short of substantial question of law as envisaged in Section 100 of the C.P.C.

9. It is settled law that when there is conflict in recordings between a previous R.O.R. and a later R.O.R., the recordings in the later R.O.R. would prevail, notwithstanding, claim of line of inheritance by the plaintiffs/appellants who has failed to prove any manner of possession over the property since long by filing cogent documents and evidence.
10. So far the second question is concerned, there being no issue on the same. The same is also not a substantial question of law.
11. Accordingly, we are not inclined to admit the appeal on the aforesaid substantial question of law.
12. With the aforesaid observations, the appeal being SAT 125 of 2008 is dismissed.
13. With the dismissal of the instant appeal, all interim applications are disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)