

Item-1.
Suppl. 05-07-2024

FA 105 of 2024
CAN 1 of 2023
CAN 3 of 2024

gd/ssd Ct. 29

Smt. Pranati Saha & Anr.
Versus
Smt. Sonali Saha Bhattacharya & Ors.

Mr. Probal Kumar Mukherjee, Sr. Adv.
Mr. Debanik Banerjee
Mr. Steven S. Biswas

... For the appellants

Mr. Supriyo Kr. Ray
Ms. Esha Mazumder

...For the respondents

1. The appeal and the applications are heard together.
2. We are satisfied that the appellants/petitioners, for justifiable reason, were unable to produce antecedent title deed at the relevant time and we feel that the said antecedent title deed is now required to be taken into consideration for deciding the rights of the parties in the appeal.
3. It is a partition suit. It is for the benefit of the parties that their shares are declared without leaving any ambiguity as any future transfer is likely to affect any third party and now that the petitioner has produced the certified copy the antecedent title deed, which could not be produced at the time of trial that had resulted in the impugned decree, the suit is required to be decided afresh.
4. We set aside the decree and request the learned Trial Court to reconsider the issues afresh.
5. The parties shall be entitled to adduce fresh evidence.
6. It would be open for the learned Trial Court, upon hearing the learned for the parties, to accept the evidence already

adduced and may restrict oral evidence with regard to any fresh evidence that may be adduced in relation to the title deed now proposed to be placed at the trial for consideration of the learned Trial Court. The admissibility and relevancy of the document shall be decided by the learned Trial Court.

7. We request the learned 9th Civil Judge, Senior Division at Alipore to dispose of the suit preferably within a period of one year from the date of communication of this order.
8. The learned Counsel for the parties have assured that they shall not seek any adjournment unless it is unavoidable.
9. The appeal and all the connected applications are, accordingly, disposed of.

(Soumen Sen, J.)

(Uday Kumar, J.)