

Item-
5. 20-08-2025

FMA 114 of 2025
CAN 1 of 2025

sg Ct. 16

Pradip Monda
Versus
Ashis Kumar Chakraborty & Anr.

Mr. Anuj Singh
Mr. Biswajib Ghosh
Mr. Avirup Mondal
Mr. Ratul Das
Mr. Avirup Chatterjee
Mr. Debdipta Sen

...for the appellant

Mr. Siva Prosad Ghosh

...for the respondents

1. We have read both the complaints carefully and we found that in the first complaint itself, there is a clear averment that the defendants have refused and denied execution of a registered deed of conveyance in favour of the plaintiff. Although, the prayer for specific performance was not prayed for in the first suit namely, Title Suit No. 406 of 2021, the second suit being Title Suit No. 575 of 2023 on the self same cause of action, would not be maintainable as it appears from the meaningful reading of the complaint in the second suit that the averments are almost similar save and except it has been alleged in the second suit that they are likely to be dispossessed.
2. On such consideration, we are not inclined to interfere with the order passed by the learned Trial Court. The appeal and the application stand dismissed.
3. However, this order shall not prevent the appellant to take appropriate steps in accordance with law including

the amendment of the plaint filed in the previous suit and seek appropriate reliefs.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)