

Item-  
8. 26-08-2025

sg

Ct. 16

FAT 52 of 2025  
CAN 1 of 2025  
CAN 2 of 2025

Fulmala Mistry  
Vs.  
Suklal Biswas & Ors.

Mr. Partha Pratim Roy  
Mr. Sarbananda Sanyal  
Mr. Samrat Chakraborty

...for the appellant

**In Re: CAN 2 of 2025**

1. This is an application for condonation of delay. There is a delay of 68 days in preferring the appeal.
2. Sufficient cause being shown for not being able to file the memorandum of appeal within the time of limitation, the delay of 68 days in presenting the memorandum of appeal is condoned.
3. CAN 2 of 2025 is thus disposed of.

**In Re: FAT 52 of 2025 with CAN 1 of 2025**

4. We have heard the learned Counsel for the appellant. The appellant was one of the defendants in the suit. The defendants contested the suit by filing a counter-claim. The defendants claimed the ownership of the property in question on the basis of a document of the plaintiff in the list of documents filed before the learned Trial Court. However, the plaintiff did not contest the suit.
5. There is a cloud with regard to acquisition of title by Bhavesh Ch. Biswas, who claimed to be the original vendor. So long as the title of Bhavesh is not established,

the question of the present appellant claiming title of the property cannot be established. Merely because the plaintiff has admitted that the plaintiff acquired title of Bhavesh does not mean that Bhavesh is the original owner as the basis for such claim of ownership is based on RS parcha which is not a document of title.

6. On such consideration, the appeal and the application stand dismissed.
7. However, this order will not prevent the appellant to file a fresh suit claiming title of the property upon establishing the right of Bhavesh upon producing the relevant documents to show tracing out title.

**(Soumen Sen, J.)**

**(Apurba Sinha Ray, J.)**