

22nd April,
2025
(AK)
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S.A.T 26 of 2025
IA No: CAN 1 of 2025

Shripati Halder @ Sripati Halder
Vs.
Gopinath Naskar and others

Mr. Prabir Majhi
Mr. Subh Banerjee
Md. Hussain

...for the appellant.

Mr. Sandip Das

...for the respondent.

1. The present second appeal has been preferred against a judgment of affirmance by the defendant in the suit.
2. The suit was filed by the plaintiffs/respondent nos.1 and 2 for declaration of the title in respect of the suit property and for consequential reliefs.
3. Simultaneously, the appellant had also filed a partition suit.
4. The sources of title of both the plaintiffs and the defendant are two different sale deeds executed by the original owner, thereby transferring different portions of the original property owned by him respectively to the plaintiffs and the defendant.
5. The defendant, in his partition suit, pleaded that undemarcated portions had been transferred by the

original owner by dint of the said deeds, respectively to the plaintiffs as well as the defendant, and as such, the entire conglomerate of the properties owned by the original owner remained joint, thus seeking partition in respect of the same.

6. On the other hand, the plaintiffs/respondent nos.1 and 2 pleaded that demarcated portions were sold respectively to the plaintiffs and the defendant by their respective sale deeds and as such the plaintiffs have exclusive title in respect of the suit property which is the subject-matter of the present appeal.
7. Learned counsel for the appellant argues that a bare perusal of the schedules of the respective title deeds of the parties would indicate that undemarcated portions were sold to them.
8. Although vaguely boundaries were mentioned, it is not clear from the deeds as to exactly what was the demarcation of the transferred properties.
9. However, upon a perusal of the transfer deeds annexed to the stay application filed in connection with the present appeal, we find that the schedules of the respective deeds of the parties encompass specific portions of properties, of particular measurements, with the mention of boundaries on

all four sides in respect of the transferred properties.

10. As such, we find that one of the plausible views on the yardstick of preponderance of probabilities was adopted by both the courts below by arriving at the conclusion that a specific demarcated portion was sold to the plaintiffs, thus declaring exclusive title and consequential relief of injunction in favour of the plaintiffs.
11. We do not find any question of law involved in the present matter, let alone any substantial question of law, since the issue of interpretation of a particular deed on questions of fact, which do not give rise to any question of law, cannot tantamount to a substantial question of law for the purpose of admitting a second appeal.
12. In the light of the above observations, we do not find any substantial question of law involved.
13. Accordingly, SAT 26 of 2025 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.
14. Consequentially, CAN 1 of 2025 is also dismissed.
15. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)