

Item- 24. 10-09-2025

sg Ct. 16

**FA 258 of 2025
CAN 1 of 2025**

Mantu Das & Ors.
Versus
Rana Chakraborty & Ors.

Mr. Kishore Mukherjee

...for the appellants

Mr. Manas Kumar Das

Mr. Aritra Kumar Thakdar

...for the respondent no.10

1. The several partition suits precede partition suit no. 57 of 2019 in which the original parties as well as the successors have participated and all such proceedings have attained finality. In fact, in one of the suits, a second appeal was preferred which was also disposed of in the meantime being Title Appeal No. 48 of 1991.
2. It is a clear finding of the learned Trial Court that the claim of the plaintiff regarding the declaration of title to the extent of 8 anas share has already been decided by the court of competent jurisdiction. This fact has not been disputed.
3. It is now sought to be urged that, some of the plots have already been vested in the State and could not be partitioned. This point is not open for the present appellant as the appropriate statutory authority while recording the rights would decide whether to allow recording of names. However, undisputedly, the issue in the suit has already been decided conclusively in the earlier proceeding. The order passed by the learned Civil Judge (Senior Division), does not call for any

interference.

4. In view of the above, the appeal and the application stand dismissed. However, there shall be no order as to costs.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)