

Court No. 6
(265719)

17.04.2025
(AD 17)
(S. Banerjee)

CO 1307 of 2025

Md. Abul Hossain Gayen
Vs.
Hafej Md. Nasiruddin Halder & Ors.

Mr. Shovan Banerjee
Mr. Subrata Basu
Mr. Ashish Sardar

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against order no. 27 dated December 7, 2024 passed by the learned Civil Judge (Jr. Division), 3rd Court at Diamond Harbour in Title Suit No. 292 of 2022.

The petitioner herein filed a suit for declaration and permanent injunction in respect of an immovable property. In such a suit the petitioner has prayed for a declaration that a registered deed, being no. 5051 dated October 24, 2011, is a fraudulent one and, therefore, a void document. The petitioner has also prayed for a decree for permanent injunction. In such suit, the petitioner filed an application praying for rejection of the said sale deed on the ground that the same was not registered before the appropriate registration office.

The said sale deed is under challenge in the suit and the petitioner has to prove his case by leading evidence in the said suit. A registered deed cannot be cancelled on an interlocutory application being filed in that regard.

The learned trial Judge was right in holding that, as to whether the deed was registered at the proper registration office or not, cannot be decided without taking evidence. The impugned order does not suffer from any infirmity warranting interference under Article 227 of the Constitution of India.

For the reasons aforesaid, CO 1307 of 2025 stands dismissed.

(Hiranmay Bhattacharyya, J.)