

18
20.8.2025
Ct. No. 16
SB

FMA 837 of 2025
CAN 1 of 2025 (set aside)

Smt. Atreyhee Bhattacharyya & Anr.
Vs.
Sri Sounak Bhattacharyya

Mr. Sourav Sen, Sr. Adv.
Mr. Sudip Patra
Mr. Prem Prakash
Mr. A. Chakraborty ... for the appellants

1. The mother and the daughter are the appellants. The plaintiff is the son of the deceased. He has challenged the execution of deed of gift in favour of his sister. Although, the allegations in the plaint appears to be sketchy with regard to undue influence and representation, the plaintiff, however, has narrated that the entire medical treatment and upkeep of the house were borne by him until he discovered that the property has been gifted in favour of his sister. The plaintiff has filed a suit for partition in which he has challenged the said deed of gift.
2. Admittedly, the sister was with the father at the time of his death. Whether the plaintiff will succeed in establishing fraud, coercion or misrepresentation at the ultimate trial of the suit presently is not the matter of consideration.
3. In the event, the deed of gift is set aside then automatically the share of the plaintiff is established.
4. Considering the matter holistically, we do not find any reason to interfere with the order passed by the learned Civil Judge, Senior Division, at Barasat, North 24 Parganas.

5. The appeal fails and accordingly, dismissed along with the application.
6. However, there shall be no order as to costs.

(Soumen Sen, J.)

(Aparba Sinha Ray, J)