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26.8.2025
Ct. No. 16
SB

FAT 192 of 2025
CAN 2 of 2025 (injunction)
Jairun Bibi & Ors.
Vs.
Amina Bibi & Ors.

Mr. Chiranjib Sinha
Mr. Dyutiman Banerjee ... for the appellants

1. Affidavit-of-service is taken on record.
2. The defendants are the appellants. The dispute is between the legal heirs of Rahamul Miya @ Sk. with regard to the properties left behind by Rahamul.
3. We have heard the learned counsel appearing on behalf of the appellants.
4. The principle grievance of the appellants appears to be that Amina is not the wife of Rahamul and accordingly neither she nor her son and daughter acquired any interest in respect of the property in question. This appears to be the principal ground of challenge. The others are merely consequential. The learned Trial Judge addresses the said issue in detail and has taken into consideration the documents namely, Exhibits 4, Exhibits-4/1, Exhibits-5, Exhibits-6, Exhibits-6/1, Exhibits-6/2, Exhibits-6/4 and Exhibits-6/3. The said documents admittedly was issued by various statutory authorities during the lifetime of Rahamul from which it would appear that Rahamul had married Amina Bibi and survived by his widow and Sabur Sk. There has been no cross-examination on the said documents. The presumptive value

of the said documents clearly establishes in absence of any contrary evidence that plaintiffs are entitled to the property left behind by Rahamul Miya @ Sk..

5. It is true that Rahamul married Jairun Bibi in the wedlock Nur Alam Mia, Nasib Mia and Salma Bibi had been born. Similar was the case with the legal heirs of Rahamul from the first wife.
6. On such consideration, we do not find any reason to interfere with the decree passed by the learned Trial Court. Appeal and the application accordingly stand dismissed.
7. However, there shall be no order as to costs.

(Soumen Sen, J.)

(Apurba Sinha Ray, J)