

12.08.2025
SI No.5
Court No.16
(gc)

**SAT 69 of 2024
CAN 1 of 2024**

**Pravat Kar
Vs.
Prodyot Kumar Giri & Ors.**

Mr. Sandip Das,
Mr. Kapil Ch. Sahoo
...for the Appellant.

1. The appellant is the son of Khudiram Kar, since deceased. Khudiram Kar was the son of Bhajahari Kar and Kunti Kar. Bhajahari Kar died intestate before 1956 survived by two wives, two sons and two daughters. Khudiram Kar and Kadambini Kar are the son and daughter from the first wife Kunti Kar. The present plaintiff is the son of Khudiram Kar. He claimed interest in the suit property left behind by his father Khudiram Kar. In the present appeal, four suit plots are at issue they are plot nos.135, 136, 137 and 140 of Mouza – Kalagachia. The question was whether the plaintiffs have acquired any right, title and interest over and in respect of the suit property. The plaintiffs are broadly speaking other legal heirs of Bhajahari Kar or related to the family of Bhajahari Kar. In fact, Biman Bihari Giri who was the original purchaser of share in the suit property was the husband of

Saraswati, the plaintiff no.2. During evidence, it transpires that Pravat, the present plaintiff claimed to be owner by virtue of deed of sale from other co-sharers in the year 1984. However admittedly during his evidence, he has failed to produce any such deed of sale in his favour in the year 1984 as stated by him in his written statement, nor could he found any evidence to show his possession in the suit property or possession by his sons or any of the legal heirs of Kadambini Kar. During his cross-examination, he admitted the transfer of his share in the property by his mother, Matangini at the time when he was minor. The said transfer made by his mother as natural guardian was not under challenge. He also admitted the execution of Exhibit B and Exhibit C which clearly relates to the title to the property in question. A faint attempt was made to show Exhibit 2(a) is not a legally enforceable document but he could not ultimately substantiate it by any evidence. Exhibit 2(a) mentions that Bilash Bhoj had mistakenly sold her share to Bhajahari Kar. after acquiring the rights of the property in Title Suit No.186 of 1976 filed before the learned 2nd Munsiff Court, Contai, a sale deed was executed in favour of Biman Bihari Giri

and on that basis the learned First Appellate Court refused to accept that the Exhibit 2(a) cannot be accepted as a valid piece of evidence and document showing title to the property. The said defence of Pravat is a self-defeating as it stands that none of the co-sharers would have acquired any interest in the suit property.

2. On such consideration, we do not find any reason to admit the appeal as it does not involve any substantial question of law required to be gone into for admission of the second appeal. The matter is purely factual and has been meticulously analyzed by the First Appellate Court.
3. Accordingly, the second appeal and the application are dismissed.
4. However, there shall be no order as to costs.
5. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)