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09.9.2025
Ct. No. 16
SB

SA 118 of 2022

Brindaban Kapat
Vs.
Shyamal Kapat & Ors.

Mr. Rwitendra Banerjee
Mr. Aritra Roy Chowdhury ... for the appellant

Mr. Snehasis Jana
Ms. Tutun Das for the respondents

1. The appellate court partly upheld the judgement of the learned Trial Court in a suit for declaration. This judgement of the first appellate court is under appeal.
2. Mr. Banerjee, learned counsel appearing on behalf of the appellant has submitted that the acquisition of the title by the respondents from Jaladhar has not being established. The RS ROR shows that the present appellants are in possession for a long period of time even after the death of Jaladhar and in absence of any better title being shown by the plaintiffs, the first appellate court could not have reversed partially the judgement of the first Trial Court.
3. In the instant case, we find that Mayabala wife of Jaladhar during her lifetime by a deed of conveyance sold the property in favour of the predecessors of the present plaintiffs in the year 1967 and the said document was exhibited. The existence and validity of the said document was never in dispute nor the present appellants could create any doubt with regard to the execution and the validity of the said document. The document of title always

gives a better title to a person who claims title by way of possession on the basis of RS ROR.

4. On such consideration and having regard to the fact that the plaintiffs have been able to establish the better title, we are of the view that first appellate court was justified in partially reversing the order to the Trial Court.
5. Hence, we do not find any reason to admit this appeal.
6. The appeal and the applications are accordingly dismissed.
7. However, there shall be no order as to costs.

(Soumen Sen, J.)

(Apurba Sinha Ray, J)