

Sl.21
21.05.2025
Court No.6
BP

C.O. 1757 of 2025

Sirajul Rahaman
-versus-
Injamul Rahman & Ors.

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar
..for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order dated 3rd March, 2025 passed by the learned Civil Judge (Senior Division), Kandi, Murshidabad in Miscellaneous Appeal No. 05 of 2019.

The petitioner filed a suit for declaration that the deed mentioned in “kha” schedule of the plaint is illegal, void, forged and by virtue of the same no title passed in favour of the defendant no.1. The petitioner filed an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure and the learned trial judge by an order dated 14th January, 2019 passed an order directing maintenance of status quo by both the parties.

Being aggrieved against such order the opposite party herein preferred a Miscellaneous Appeal being No.5 of 2019 and the learned Civil Judge (Senior Division), Kandi, Murshidabad by an order dated March 3, 2025 allowed the said miscellaneous appeal thereby vacating the ad interim order of injunction.

After going through the order passed by the learned trial judge this Court finds that the learned trial judge passed an order directing both the parties to maintain status quo only on the ground that both the sides have challenged their deeds executed in favour of the other side and unless the deeds are proved in accordance with law the parties should maintain status quo.

Record reveals that the original owner of the suit property namely, Morjina Sarkar @ Khatun executed two deeds one in favour of the plaintiff and the another in favour of the defendant no.1. The deed in favour of the defendant no.1 was executed in the year 2007 and that in favour of the plaintiff was executed in the year 2013. The learned trial judge recorded a prima facie finding that Morjina Sarkar @ Khatun transferred certain portion of the schedule property in favour of the defendant no.1 by the prior deed and subsequently transferred the entire suit property in favour of the plaintiff by a subsequent deed. The learned judge of the 1st appellate court was right in observing that the record of rights is not a document of title.

This Court does not find any reason to interfere with the order passed by the learned judge of the 1st appellate court.

The learned trial judge is requested to dispose of the Title Suit No. 408 of 2018 as expeditiously as possible

without granting any unnecessary adjournments to either of the parties.

With the above observations and directions, C.O. 1757 of 2025 stands disposed of.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)