

18.08.2025
SI No.14
Court No.16
(gc)

SAT 190 of 2019

**Srimati Sukla Das & Ors.
Vs.
Srimati Gita Rani Dutta & Ors.**

Mr. Tapas Bhattacharyya,
Mr. Sanjib Kr. Mukhopadhyay,
Ms. Nargish Parveen,
Ms. Prama Ray
...for the Appellants.

1. The decree of affirmation in a suit for declaration and injunction is the subject matter of the second appeal.
2. We have heard the learned Counsel for the appellants and have examined the order under appeal. The allegation is mainly with respect to encroachment and in order to prove encroachment, the plaintiffs have relied upon sanction plan and other documents, namely, exhibit 1, exhibit 2 and exhibit 3 which in order to prove their ownership in respect of schedule B properties although disputed by the present appellant. The learned Trial Judge has analyzed exhibits 1, 2, 3 and 4 to show that the devolution of interest and trace the title to the property which could not be dislodged by the appellants at the trial. Moreover, the Advocate Commissioner has filed a report which has been accepted by the defendants. It has been

admitted that the appellants did not file any objection to the report filed by the Advocate Commissioner under Order 26 Rule 9 of the Code of Civil Procedure.

3. In view of such admitted fact, we do not find any reason to admit the second appeal.
4. The second appeal stands dismissed.
5. However, there shall be no order as to costs.
6. 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.)