

18.09.2025
SL No.20
Court No.1
(gc)

**FMA 1115 of 2025
CAN 1 of 2025**

**Somnath Bhagat
Vs.
Dilip Bhagat & Ors.**

Ms. Baisali Ghoshal
...for the Appellant.

1. In a suit for partition, the application filed by the plaintiff for injunction was dismissed, as prima facie the Trial Court found that by virtue of a registered deed dated 27th July, 1975, the entire suit property has been transferred in favour of the defendant nos.1 and 2 and their father. As on date, by virtue of the said deed, the defendant nos.1 and 2 are the absolute owner of the property and they have also mutated their names in the Howrah Municipal Corporation.
2. In view of the fact that the defendants have a better title over the suit property and having established that they are in possession of the suit property, we are of the view that the learned Trial Court was justified in not granting any order of injunction.
3. On such consideration, the 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, C.J. (Acting)]

(Raja Basu Chowdhury, J.)