

19.08.2025
SI No.7
Court No.16
(gc)

**FA 16 of 2025
CAN 1 of 2025**

**Ashera Mondal & Ors.
Vs.
Safikul Mondal & Ors.**

Mr. Prabir Adhya,
Ms. Madhumanti Chakraborty,
...for the Appellants.
Md. Younush Mondal
...for the Respondent No.1.

1. This appeal is arising out of a judgment dated 28th March, 2024 in a partition suit. The suit was dismissed.
2. The grounds being that all co-sharers have not been made parties and the plaintiffs have failed to establish the devolution of interest and the chain establishing their right to the property, the acquisition of title in respect of several properties over which the plaintiffs made a claim as co-sharers could not be established. In fact, the learned Trial Court in deciding the suit has clearly stated that the plaintiffs were unable to produce any document to show that the alleged erstwhile owner had acquired title in respect of the suit property and in absence of the chain being established with regard to the title, it was not possible for the Court to pronounce the judgment in favour of the plaintiffs.

3. The learned Trial Judge has meticulously analyzed the claim of title by the plaintiffs in reference to the document produced and after meticulous scrutiny of the document had arrived at a finding that the plaintiffs were unable to establish any title in respect of A and B Schedule Property. The foundational fact not being established reference to any other document which may have recorded the name of the plaintiffs may not give a right to the plaintiffs to claim any interest over the suit property. The mere entry in the revenue record does not give indefeasible right to the plaintiffs to lay a claim on the property.
4. On such consideration, we do not find any reason to interfere with the order passed by the learned Trial Court.
5. Accordingly, the appeal and the application are dismissed.
6. However, there shall be no order as to costs.
7. 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.)