

Court No. 6
(265719)

16.09.2025
(AD 49)
(S. Banerjee)

CO 3329 of 2025

Dipa Debi & Anr.
Vs.
Pintu Santra

Mr. Dhiman Banerjee

...for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against judgment and order dated July 8, 2025 passed by the learned District Judge, Howrah in Misc. Appeal No. 52 of 2025. By the judgment and order impugned, the Miscellaneous Appeal challenging the order dated February 13, 2025 passed by the learned Civil Judge (Jr. Division), 4th Court at Howrah in Title Suit No. 638 of 2024 was dismissed thereby affirming the order of injunction passed by the learned trial judge.

Learned advocate appearing for the petitioners submits that the petitioners are in possession of the suit property and in support of such fact the petitioners have produced documents before the learned trial judge as well as the learned judge of the appellate court. He further submits that challenging the deed of sale executed by the husband of the

petitioner no. 1 and the father of the petitioner no. 2, a title suit is pending. He submits that the learned judge of the appellate court without considering the pendency of the said suit, dismissed the said appeal.

Admittedly one Manjit Thakur, who is the husband of the petitioner no. 1 and the father of the petitioner no. 2, was the original owner of the suit property. The suit property was transferred in favour of the plaintiff/opposite party herein by Manjit Thakur by virtue of a registered deed of sale in the year 2023. The case made out by the defendants/petitioners herein is that the deed of sale was executed by Manjit Thakur though possession of the property was not handed over to the plaintiff/opposite party herein.

Record reveals that the plaintiff/opposite party purchased the property from Manjit Thakur by virtue of a registered deed of sale for the year 2023. The opposite party produced the said purchase deed. The opposite party also produced the deed by virtue of which his vendor purchased the suit property from one Manorama Pandit. After purchasing the suit property, the plaintiff/opposite party recorded his name in the revenue records. The LR record of rights was also produced by the plaintiff/opposite party before the learned trial judge.

A registered deed of conveyance carries with it a presumption of valid execution of such deed. The Record of Rights being a document of possession carries with it a presumption of correctness though the said presumption is a rebuttable one but the defendants/petitioners could not produce any document to rebut such presumption. Thus the plaintiff/opposite party made out a strong prima facie case to go for trial. Since the opposite party is claiming title in respect of the suit property by virtue of a registered deed of conveyance and is in possession of the suit property, the balance of convenience and inconvenience lies in favour of the plaintiff/opposite party herein. Unless an order of injunction is passed in favour of the plaintiff/opposite party, he will suffer irreparable loss and injury. The learned trial judge upon being satisfied with the legal tests for grant of injunction, passed an order of injunction.

Being aggrieved by such order, the petitioners herein preferred an appeal. The learned judge of the appellate Court rightly held that the registered deed in favour of the opposite party indicates his prima facie right over the suit property and the record of rights also stands in the name of the opposite party. The learned judge of the appellate court by a speaking order dismissed the misc. appeal. This Court does

not find any infirmity in the judgment and order impugned.

Accordingly, CO 3329 of 2025 stands dismissed.

(Hiranmay Bhattacharyya, J.)