

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/192/2025
WITH CS/619/1985
IA NO: GA/1/2025, GA/2/2025, GA/3/2025

DHRUV DHANANIA
VS
PAWAN PROPERTIES AND ORS

BEFORE :
THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE MD. SHABBAR RASHIDI
Date : 6th November, 2025

Appearance :
Mr. Rajarshree Dutta, Adv. ...for appellant.

Mr. Jishnu Saha, Sr. Adv.
Mr. Soumya Ray Chowdhury, Adv.
Mr. Sanjay Ginodia, Adv.
Mr. Manoj Kumar Tiwari, Adv.
Ms. Susrea Mitra, Adv.
Ms. Rajeshwari Prasad, Adv.
Mr. Bhavesh Garodia, Adv. ...for respondent no.1.

The Court :- Appellant seeks to prefer an appeal against the order dated December 11, 2014 passed in EC/592/2014 as corrected on December 16, 2014.

Learned advocate appearing for the appellant submits that, there exists a registered deed of gift executed in favour of the appellant by the aunt of the appellant in respect of the 1/28th share that the appellant held in premises no. 46, Shakespear Sarani, Kolkata 700 017. He submits that, the order impugned as corrected, affects the right, title and interest of the appellant in favour of the appellant, now being the owner instead and place of his aunt.

There is an issue of limitation also.

The impugned order is dated December 11, 2014 as corrected on December 16, 2014 while the appeal is sought to be filed in 2025.

Without entering into the issue of limitation, since, the appellant seeks to prefer an appeal against such impugned order as corrected, on the basis of a deed of gift registered in 2025, we deem it appropriate to condone the delay in making and filing the appeal by the appellant as also grant the appellant leave to appeal.

We heard the appellant on merits.

Appellant seeks to press title to premises no. 46, Shakespear Sarani, Kolkata 700 017 through the share held by his aunt being 1/28th share in such property.

Appellant cannot possess a better or higher right, title and interest than the person from whom, the appellant received gift of such property. The person, who gifted the property to the appellant, was subject to a decree passed in a suit. In the execution petition, the person gifting the property to the appellant was required to transfer her right, title and interest in respect of the premises no.46, Shakespear Sarani, Kolkata 700 017 being 1/28th share of such premises in favour of the decree holder. Appellant is bound by such decree as also the order impugned. Deed of gift was executed subsequent to the decree and the order under appeal.

We find no merit in the present appeal. APOT/192/2025 is dismissed.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)