

D/L.11.  
May 19, 2026.  
MNS.

SA No. 211 of 2011  
+  
CAN 3 of 2026

Bibekananda Pramanik and others  
Vs.  
Sakti Sangha and others

Mr. Dipak Kumar Das,  
Mr. Soumyajit Ghosh, Advs.

... for the appellants.

Mr. Bidyut Kumar Halder,  
Mr. Indranil Halder,  
Ms. Neha Singh, Advs.

...for the respondents.

1. The present appeal has been preferred by the plaintiffs/appellants in a suit for declaration of title and injunction.
2. Both the courts below dismissed the suit on the ground that the predecessor-in-interest of the plaintiffs/appellants, one Jogesh Chandra, suffered a decree in a suit (inter alia for eviction) filed by the *Zamindar*, namely Himangshu, against the said Jogesh. The said decree was affirmed up to the appellate court and was duly executed by the plaintiff Himangshu taking possession of the suit property.
3. Thus, the courts below came to the conclusion that the appellants did not derive any title in the property by dint of the lease deed purportedly executed by said Jogesh, the judgment-debtor in the earlier proceeding,

who himself was denuded of any right, title and interest in the suit property by virtue of the decree passed in the earlier suit.

4. As such, in view of both the trial court and the first appellate court having arrived at concurrent findings of fact on such count, we do not find any scope of interference with the same, nor is any question of law involved.

5. Accordingly, SA No. 211 of 2011 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.

6. CAN 3 of 2026 is consequentially dismissed as well.

7. There will be no order as to costs.

8. Urgent Photostat certified copies of this order, if applied for, be furnished to the parties upon compliance of due formalities in that regard.

(Biswaroop Chowdhury, J.) (Sabyasachi Bhattacharyya, J.)