

01.04.2026.
Item No. 20.
Court No. 13
ap

F.A. No. 2 of 2003
With
IA NO: CAN/3/2001(Old CAN/1895/2001)
And
IA No.CAN/5/2015 (Old CAN/8135/2015)

Smt. Arati Murmu & Ors.
Versus
Santi Bala Routh & Ors.

Mr. Rabindra Nath Mahato,
Mr. Aritra Shankar Ray.

..For the appellants.

1. The subject appeal is directed against the judgment and decree dated 26th August, 1994 passed in Title Suit No. 49 of 1994. The appellant herein is the defendant no.1 in the said suit.
2. The suit was for partition of the properties of Late Renu Bala Dasi, by the person claiming to be her legal heirs. The suit was dismissed on the ground that the respondent/plaintiff has not challenged the certain Title Deeds by which the portions of the properties have been transferred in favour of the contesting defendants/appellants.
3. While doing so, the learned Trial Judge has incorrectly and unnecessarily held that some defendants including the appellants herein could not prove due execution of the Title Deeds in their favour.
4. This Court finds that the findings of the Trial Judge against the appellants/defendants herein that they could not demonstrate the execution of the Deeds

in their favour would not be germane any further after the Trial Judge holds that the plaintiff has not been able to demonstrate that the properties have been transferred in favour of the appellants.

5. Indeed the plaintiff/respondent was required to seek cancellation of the Deeds executed in favour of the defendants/appellants herein. That was the principal ground for dismissal of the suit.

6. Having regard to the above, this Court directs expunging of all the observations of the Trial Court, that the concerned defendant could not demonstrate due execution of the Title Deeds in their favour.

7. The parties are left to seek appropriate remedies in accordance with law against one and another.

8. With the aforesaid observations, F.A. 2 of 2003 is allowed in part and hereby disposed of.

9. In view of disposal of the appeal itself, all the pending connected applications are disposed of.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)