

06.02.2026
Court No. 06
Item No. 78
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

C.O. 886 of 2025

Sohorbanu Bewa
-Versus-

Nekat Sk. & Anr.

Mr. Partha Pratim Roy,
Ms. Poulami Chakraborty,
Mr. Saikat Gayen
.....for the petitioner
Mr. Anirban Das
....for the opposite parties

1) The revisional application arose out of an order dated January 24, 2025 passed by the learned Civil Judge (Junior Division), Additional Court at Jangipur, Murshidabad in Title Suit No. 58 of 2018. The petitioner is the plaintiff of the suit.

2) By the order impugned, the learned Court rejected an application for recall of P.W. 1. The said application was rejected on the ground of delay and on the ground that the document which was discovered by the plaintiff and which the plaintiff wanted to adduce in evidence (Death Certificate of Fojiman Bibi) was within the knowledge and possession of the plaintiff long ago and such factum of death of Fojiman Bibi had never been mentioned in the plaint.

3) The petitioner has filed a suit for declaration of title and permanent injunction. The petitioner claims to be a donee in respect of

the property from the son of Fojiman Bibi. Once the petitioner is claiming title to the property on the basis of a Deed of Gift, whether Fojiman Bibi was dead or alive is not material. As the petitioner claims right, title and interest in respect of the suit property from one of the sons of Fojiman Bibi, the date of death of Fojiman Bibi is irrelevant to the execution of the Deed of Gift. The plaintiff has to prove the execution of the deed by leading evidence.

4) Under such circumstances, the application is rejected. The learned Court shall proceed with the suit expeditiously.

5) Accordingly, the revisional application is dismissed without any order as to costs.

6) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)