

AD -38
Ct No.16
02.02.2026
(SSS)

SA 3 of 2026
with
CAN 2 of 2025

Nilam Prasad Bhakat and Ors.
Vs.
Kamala Prasad Bhakat and Ors.

Mr. Kishore Mukherjee,
Ms. Dipanwita Gupta
....For the appellants.

1. The present appeal has been preferred against a judgment of affirmance, whereby both the trial court and the first appellate court decreed the suit for declaration of title and recovery of *khas* possession filed against the appellants. The premise of the suit, filed by the respondents, was that the respondents had acquired title in the suit property through transfer deeds executed by the predecessor-in-interest of the present defendants/appellants.

2. Learned counsel for the appellants argues that the suit, despite seeking the relief of recovery of possession, was valued only at Rs.100/-, which was a gross undervaluation vis-a-vis the relief sought. Secondly, it is contended that the purported deed of gift on the basis of which the

plaintiffs/respondents claim title was not properly proved. Thirdly, it is argued that since a case of permissive possession has been made out, the plaintiffs/respondents were required to file a suit for revocation of such license before seeking eviction.

3. However, we are unable to accept any of the above submissions.

4. Insofar as the first contention of the appellants is concerned, the valuation of a suit is determined by the primary relief sought therein. In the present case, the primary relief was declaration of title, regarding which, self-valuation of the plaintiffs is the standard for ascertaining the valuation of the suit. Since the relief of recovery of possession was merely a consequential relief in terms of the frame of the suit, we cannot agree with the appellants to the effect that the suit ought to have been valued on such relief.

5. Insofar as the second ground is concerned, the concerned gift deed, we find, was marked as an exhibit in the suit and as such, it cannot be said that it was not properly proved. Moreover, such pure question of fact cannot be re-agitated in a second appeal.

6. The third argument of the appellants is even more absurd, since in case of a license, mere institution of an eviction suit is sufficient to sever the relationship of licensor/licensee. Thus, no separate relief or suit was required to be filed by the plaintiffs for revocation of the license.

7. In any event, we do not find any substantial question of law involved in the appeal.

8. Accordingly, SA 3 of 2026 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure. Consequentially, CAN 2 of 2025 is also dismissed.

9. No order as to costs.

10. Parties shall act on the server copy of the order, duly downloaded from the official website of this Court.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)