

D/L.4.
May 7, 2026.
MNS.

SAT No. 161 of 2025

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CAN 2 of 2025

Ananda Bera

Vs.

Sandhya Bera and others

Ms. Abantika Garai,
Ms. Kabitas Ghosh

... for the appellant.

Mr. Pankaj Halder,
Ms. Dipannita Laha

...for the respondent.

1. The present second appeal arises out of a judgment of affirmance whereby both the courts below granted eviction against the defendant/appellant in favour of the plaintiff/respondent.
2. The claim of the plaintiff was on the strength of a partition decree as well as a decree revoking a deed of gift.
3. The appellant, before the trial court as well as the first appellate court, took the defence that the partition decree, not being engrossed in proper stamp paper, was not executable and that the date of induction of the appellant as a licensee was never proved by the plaintiffs/respondents.
4. The courts below disbelieved both the said contentions.

5. It was held, by placing reliance on certain reported judgments, that merely because a partition decree is not engrossed in proper stamp paper, such omission does not invalidate the binding effect of the same.

6. Moreover, the date of induction of a licensee is immaterial, since the appellant could not prove his title to the property and as such, in the absence of such proof, by default, the status of the appellant has to be either that of a trespasser or a licensee. In either case, the mere filing of an eviction suit is sufficient for evicting such trespasser/licensee.

7. Thus, we do not find any error in the judgments of either of the courts below, let alone there being involved any substantial question of law.

8. Accordingly, SAT No. 161 of 2025 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.

9. Consequentially, CAN 2 of 2025 is dismissed as well.

10. There will be no order as to costs.

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