

19.01.2026
SL No.40-41
Court No.6
(gc)

CO 4286 of 2025

**Bharati Sen & Ors.
Vs.
Anuradha Mitra & Anr.**

Vs.

CO 3787 of 2025

**Anuradha Mitra
Vs.
Anusuya Banerjee & Ors.**

Mr. Shiba Prasad Mukherjee, Sr. Adv.,
Mr. Avishek Das,
Mr. Ritoban Sarkar

.....for the Petitioners
in CO 4286 of 2025 &
for the Opposite Party
in CO 3787 of 2025.

Mr. Sandipto Bose,
Ms. Anchita Sarkar

...for the Opposite Party
in CO 4286 of 2025 &
for the Petitioner
in CO 3787 of 2025.

Mr. Amal Krishna Saha,
Mr. Subhajit Chowdhury

...for the Proforma Respondent No.2/Defendant No.5
in CO 4286 of 2025
& for the Opposite Party No.1
in CO 3787 of 2025.

1. CO 4286 of 2025 arises out of Title Suit No. 2013 of 2015. Smt. Minakshi Sen (since deceased) widow of Late Anil Kumar Sen and Smt. Anuradha Mitra, daughter of Late Anil Kumar Sen prayed for partition of a property situated at Dwarkanath Road, Kolkata. The schedule of the property is quoted below:-

“Schedule of the suit property above referred to:

All That piece and parcel of a land comprised an area of 6 cottahs, 8 chittaks, 30 sq.ft. be the same or little more or less with 2 storied pucca building standing thereon being the premises No.1/2, Justice Dwarkanath Road, Police Station – Bhowanipore, Kolkata – 700020, District South 24-Parganas, butted and bounded as follows:

On the North : Premises No.1/1, Justice Dwarkanath Road, Kolkata – 700 020.

On the South : Premises No.1/3, Justice Dwarkanath Road, Kolkata – 700 020.

On the East : Premises No.31, Justice Dwarkanath Road, Kolkata – 700 020.

On the West : Justice Dwarkanath Road, Kolkata – 700 020.”

2. The revisional application has been filed by the defendants in the suit, who are seeking a direction upon the learned trial Court to dispose of an application in which prayer was made for passing of a decree in preliminary form, as the shares of the co-sharers were admitted.
3. Mr. Sandipto Bose, learned Advocate represents the plaintiffs in the said suit and submits that there are other pending suits with regard to the self-same property and all the suits should be tried together, in order to prevent conflicting decisions and for the

convenience of the parties. With such prayer, an application was filed before the learned Civil Judge, Senior Division, 4th Court at Alipore seeking analogous hearing of Title Suit No.2013 of 2015 and Title Suit No.2438 of 2016. The said prayer was rejected, resulting in filing of the revisional application being CO 3787 of 2025.

4. Mr. Shiba Prasad Mukherjee, learned Senior Advocate who appears for the petitioners in CO 4286 of 2025, submits that Title suit No. 2013 of 2015 is restricted to the ancestral property of the parties, which belonged to Late Rai Bahadur Priyabrata Sen, situated at Dwarkanath Road. Relying upon the genealogical table, which is Annexure-D to the application, Mr. Mukherjee demonstrates how all the parties to the suit had acquired shares in the ancestral property. He submits that Mr. Bose's clients, who were the plaintiffs in the suit, namely, Smt. Meenakshi Sen(since deceased) and Anuradha Mitra prayed for undivided 1/8th share of the plaintiffs, in the Dwarkanath Road property. The shares of the parties were admitted. There was no reason why the decree in preliminary form should not be passed by the learned trial Court. According to Mr. Mukherjee, further evidence was not required to be adduced in such situation.
5. Mr. Amal Krishna Saha, learned Advocate who appears on behalf of Anusuya Banerjee also supports Mr.

Mukherjee's contention and submits that the preliminary decree, may be passed in Title Suit No.2013 of 2015. The undivided share of Late Anil Kumar Sen in the Dwarkanath Road property, which is the subject property in Title Suit No.2013 of 2015 shall devolve upon his daughters.

6. Under such circumstances, this Court does not find the objection of Mr. Bose to be tenable. Mr. Bose's clients had also prayed for 1/8th share of the plaintiffs in the Dwarkanath Road property as the widow and daughter of Late Anil Kumar Sen.
7. Mr. Saha's client, Anusuya Banerjee, has also claimed 1/8th share in the Dwarkanath Road property, as the daughter. Anuradha and Anusuya are the two surviving heirs of late Anil Sen.
8. Under such circumstances, I do not find any impediment in directing the learned Civil Judge, Senior Division, 4th Court at Alipore to consider the application and the supplementary affidavit seeking passing of preliminary decree in Title Suit No. 2013 of 2015 and allow the same as per the shares specified therein.
9. CO 4286 of 2025 is, accordingly, disposed of.
10. The order impugned is set aside.
11. CO 3787 of 2025 has been filed by Smt. Anuradha Mitra challenging an order dated August 4, 2025

passed by the learned Civil Judge, Senior Division, 4th Court at Alipore, District – 24 Pgs(S). By the order impugned, the learned Court rejected the application filed by the petitioner seeking analogous trial of Title Suit No.2438 of 2016 along with Title Suit No.2013 of 2015.

12. Smt. Anuradha Mitra prayed for analogous trial of the suits, which according to her, were both arising out of the self-same cause of action (partition of ancestral property) and between the same parties. According to the petitioner, the issues to be framed were identical, the witnesses would be the same, common evidence would be led. The analogous trial would prevent delay and avoid multiplicity of the suits. According to the petitioner, except for the movable properties, the suit properties were identical. The defendants in the T.S No. 2013 of 2015 objected to such prayer. According to them, the suit properties were not identical and the cause of action were different.

13. The Court observed that T.S. No.2013 of 2015 arose out of one suit property, whereas, the T.S. No.2438 of 2016 was filed in respect of seven suit properties and other movable properties. There was also a money claim. Under such circumstances, the prayer for analogous hearing of the two suits was rejected.

14. I find from the records that T.S. No.2013 of 2015 was filed by Smt. Anuradha Mitra and the widow of Late Anil Kumar Sen (since deceased) for declaration of their 1/8th share in the Dwarkanath Road property. The other parties to the suit who were co-sharers in respect of Dwarkanath Road property, including Anusuya. The shares of the parties are admitted in Title Suit No. 2013 of 2015.

15. Under such circumstances, the cause of action in T.S. No.2013 of 2015 is not the same as that in T.S. No.2438 of 2016. The parties are also not the same. Analogous hearing of these two suits will result in dragging parties who do not have any interest in the self-acquired property of Late Anil Sen to participate in an analogous trial.

16. Mr. Mukherjee's clients have a claim in the ancestral property which is the subject-matter of T.S. No.2013 of 2015 and not over those properties which form the subject matter of T.S. No.2438 of 2016 and T.S. No.246 of 2016.

17. It is submitted by Mr. Bose that by an order of this Court, T.S. No.246 of 2016 has been directed to be transferred to the Court of the learned Civil Judge, Senior Division, 4th Court at Alipore. The records do not reveal that the suit has since been renumbered. This Court finds that T.S. No.2438 of 2016 and T.S.

No.246 of 2016 are between the same parties and in respect of the properties of Late Anil Sen. However, the suit property at Dwarkanath Road is a part of the schedule in T.S. No.2438 of 2016. The shares of Anusuya and Anuradha in the Dwarkanath Road property are admitted along with the other co-sharers which can be traced from Late Rai Bahadur Priyabrata Sen.

18. Under such circumstances, the apprehension of Mr. Bose is not correct. The declaration of the shares of the parties in T.S. No.2013 of 2015 as regards the Dwarkanath Road property will govern the other suit as well. The other properties over which both Anusuya and Anuradha are contesting, and which include moveable and immoveable properties of their late father, can be decided analogously and, thus, this Court directs that the learned District Judge, South 24-parganas at Alipore will ensure receipt of the docket of T.S. No.246 of 2016 from the learned District Judge at Barasat, renumber the same and transfer the same to the learned Civil Judge, Senior Division, 4th Court at Alipore for analogous trial with T.S. No.2438 of 2016.

19. Accordingly, both the revisional applications are disposed of.

20. There shall be no order as to costs.

21. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)