

11.03.2026  
Ct. No. 30  
S.L. No. 22  
SM

**CO 3666 of 2023**  
**Jadupati Paul**  
**Versus**  
**Motilal Barman & Ors.**

Mr. Anujit Mukherjee  
Mr. Arijit Pradhan  
.....for the petitioner

1. The revisional application has been preferred against order nos. 4 and 5 dated 03.06.2023 and dated 26.06.2023 respectively passed by the learned Civil Judge (Junior Division), Additional Court, Tamruk, District-Purba Medinipur, in Title Suit No. 84 of 2023.
2. Vide the impugned order, the trial has rejected the defendant/petitioner's application under order 7 Rule 11 CPC with cost.
3. Being aggrieved, the revision has been preferred against the said order.
4. The petitioner's contention is that the records of right has been prepared on the basis of an order passed by the BL & LRO and the said order is appealable before the DL & LRO.
5. It is further stated that the Civil Court's jurisdiction is barred under the Act.
6. It appears that the trial court rejected the application under Order 7 Rule 11 CPC on the following observations:-

*“Before moving further, it is highly pertinent to have a look upon the observations of the Hon'ble Calcutta High Court in **Md. Nazrul Islam vs Uday Chakraborty [2017(2) CHN (CAL) 167]** where it was held that:*

*"11. Learned Trial Judge also held that the suit is not barred under the provision of section 61 of the West Bengal Land Reforms Act as the plaintiffs have not prayed for correction of the record of rights in the present suit. Such conclusion was drawn by the learned Trial Judge by relying upon a decision of this Court in the case of Sachin Ghash vs. Niranjana Chandra Ghosh reported in (2004) 1 WBLR (Cal) 236.*

**12. It is well settled that the Civil Court has no jurisdiction to correct the record of rights, The Civil Court cannot even entertain any suit where correction of record of rights is prayed for by the plaintiffs. However, such bar imposed on the jurisdiction of the Civil Court in entertaining suit for correction of records of rights under section 61 of the West Bengal Land Reforms Act, does not debar the Civil Court from entertaining either a suit for declaration of title or**

**for partition and in such suit, incidentally the Court has the jurisdiction to consider the legality and/or correctness of recording in the record of rights. As such, we fully agree with the conclusion drawn by the learned Trial Judge that the suit for partition, as it framed, is not barred under the provision of section 61 of the West Bengal Land Reforms Act."**

*(Emphasis supplied by me)*

*With the help of the aforesaid observations of the Hon'ble Court, it can be concluded that civil court is empowered to declare any record of rights as erroneous. It is a settled proposition of law that civil court cannot correct the erroneous R.O.R but there is no bar declaring that any concerned R.O.R is appeared to be erroneous. This court is not entitled or empowered to correct the entry in the RSROR or LRROR. The correction or revision will be done by the competent authority as per West Bengal Land Reforms Act.*

7. On perusal of the relief prayed for in the plaint, it appears that no order of the BL & LRO has been challenged. The Trial Court rightly applied the

relevant provision of law in this case and as such the order under challenge, requires no interference except to the extent of setting aside the cost imposed by the impugned order, which is hereby set aside.

8. **CO 3666 of 2023 is disposed of.**

9. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

**[Shampa Dutt (Paul). J]**