AD – 20
Ct No.16
05.10.2026
(SSS)

SAT 306 of 2025
with
CAN 1 of 2026
with
CAN 2 of 2026

Khedani Sing Sardarin
Vs.
Anil Mahato and Ors.

Mr. Supratick Syamal,
Mr. Raghunath Chakraborty, Advs.
....for the defendants/respondents.

1. Affidavit of service filed today be kept on record.

2. From the same, it transpires that one of the respondents has not been served and the other has expired.

3. However, learned counsel having instruction to appear for the respondents submits that the heirs and legal representatives of the deceased respondent no. 1(b) are already on record and learned counsel also has instruction to appear for all the respondents, including the unserved respondents. Accordingly, no further service is required, nor is any substitution application required to be filed.

4. Heard learned counsel for the parties.

5. We find from the explanation furnished in the condonation application that the appellant hails from a remote rural area and is not sufficiently aware of the law regarding limitation.

6. Upon hearing learned counsel, the court is satisfied that sufficient explanation for the delay has been furnished.

7. Accordingly, CAN 2 of 2026 is allowed on contest, thereby condoning the delay in preferring SAT 306 of 2025.

8. The appeal is now taken up for hearing under Order XLI Rule 11 of the Code of Civil Procedure.

9. The present second appeal is directed against a judgment of affirmance, whereby both the Courts below have dismissed the plaintiff/appellant's suit for declaration of title and consequential reliefs.

10. Upon hearing learned counsel for the appellant, we find that the learned courts below proceeded on the premise that the plaintiff/appellant relinquished her rights by way of a compromise petition filed in Title Suit no. 58 of 1973, which culminated in a compromise decree.

11. That apart, no document as to title could be furnished by the plaintiff/appellant before either of the courts below.

12. Moreover, the present suit was filed about 42 years after the passing of the compromise decree. Learned counsel for the appellant seeks to argue that the appellant was unaware of the compromise decree and as such, could not institute the present suit earlier. However, since the appellant was a party to a previous compromise decree, such pretext does not lie in the mouth of the appellant.

13. In view of the above, we do not find any ground to interfere with the concurrent findings of both the courts below. Moreover, no disputed question of law is involved at all in the matter.

14. Accordingly, SAT 306 of 2025 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.

15. Consequentially, CAN 1 of 2026 stands dismissed as well.

16. There will be no order as to costs.

17. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Sandip Kumar De, J.)