

District north 24 Parganas

In the Court of Ld. District Judge at Barasat

T.A. /2012

Vivekananda Dey alias Khokon Chandra Dey
S/O Late Trinath Chandra Dey Resident of
Village and Post – Ganadipayan, P.S. –
Habra, District – North 24 Parganas.

.....Appellant

-VS-

1. Collector, District (N) 24 Parganas P.O.
and P.S. Barasat, Kolkata – 124.

2. Village Education Committee of
Ganadipayan free Primary School,
Represented By its Secretary, Sankar Das,
Headmaster of Ganadipayan free Primary
School. P.O. & Vill. Ganadipayan, P.S.
Habra, District – North 24 Parganas.

.....Respondent

Appeal valued at Rs. 100/-

Being aggrieved and dissatisfied with the impugned judgment and decree dated 31/01/12 and 04/02/12 respectively passed by Miss Suparna Chowdhury, the Ld. Civil Judge (Jr. Divn.) 2nd court at Barasat in connection with T.S. 9 of 2005 named appellant begs to prefer this appeal on the following amongst other grounds.

Grounds:-

1. For that the Ld. Court below erred both in law and in fact.
2. For that the Ld. Court below failed to apply her judicial mind at the time of passing such impugned judgment and decree.
3. For that the Ld. Court below, when found (at page 4 to 5 of the Judgment) that the plaintiff no. 2 transferred his share in the suit property in favour of the plaintiff no 1 during the pendency of the suit and to that effect amendment was

made and the sole plaintiff is Vivekananda Dey, erred in recording the name of the plaintiff in the judgment and decree due to non-application of Judicial mind.

4. For that the Ld. Court below erred in holding her opinion that this suit is bad for defect of parties as B.L. & L.R.O. is a necessary party in the suit as per section 80(1)(c).
5. For that the Ld. Court below ought to have considered that Amal Kanti Bhattacharjee, the heir of Jibananda Bhattacharjee as defendant / Respondent never denied such fact by way of documentary and oral testimony.
6. For that the Ld. Court below ought to have considered the plaintiff/appellant is in possession of the suit property by way of cultivation and to that effect plaintiff submitted the certified copy of the order which was marked as Exhibit 4 as well as report of the Ld. Advocate Commissioner which was marked as Exhibit 9 wherein it would found that the suit property is demarcated by cement pillar and there way lying the mustard seed crop.
7. For that the Ld. Court below ought to have considered that R.O.R. is not the document of title, it is mere record of possession at the material time which is rebuttable.
8. For that the Ld. Court below ought to have considered the possession of the plaintiff/appellant in the suit property and ought to have decreed the suit.
9. For that the Ld. Court below did not considered the document which is marked as exhibit 1, where it is found that the gifted property is specifically demarcated by boundary.
10. For that the impugned judgment and decree of the court below is arbitrary and without any judicial reasoning and is liable to be set aside.
11. For that the impugned judgment and decree of the court below is based on mere supposition and conjectures and is liable to be set aside.

Certified that the grounds taken in the appeal are all good grounds and I undertake at the time of hearing along with other grounds

Basudeb Ghosh
Advocate