

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

SECOND APPEAL No. 77 of 2010

JUDGMENT:

Heard both sides and perused the record.

Learned counsel for the appellant would submit that the subject shop was demolished in metro rail project, and that cause in the present Second Appeal does not survive for adjudication. On the other hand, learned counsel for the respondent would submit that the subject property is subsisting. When the appellant does not want to proceed with the appeal and when there are concurrent findings of the courts below in favour of respondent, no question of law, much less substantial question of law, would arise for consideration in the Second Appeal. The findings of the Courts below are not shown to be perverse. They acted upon admissible evidence and gave findings after proper appreciation of evidence on record. There is no infirmity. The Second Appeal is devoid of merit and is liable to be dismissed.

The Second Appeal is dismissed. No costs. Miscellaneous Petitions pending, if any, in the Second Appeal shall stand closed.

09.08.2018
DRK

(Dr.SA, J.)

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