

01.12.2021
SL No.23
Court No.8
(gc)

SAT 186 of 2018

**Biswanath Halder
Vs.
Sudhamoy Sardar & Ors.**

(Via Video Conference)

Mr. Sounak Bhattacharya,
...for the appellant.

The second appeal is directed against an appellate decree affirming the decree passed by the Trial Court in a suit filed by the respondents for possession and injunction. Both the Courts below on appreciation of evidence, both oral and documentary found that the plaintiff is in a settled possession of the suit property, howsoever, his right to be in possession of the suit property. Both the Courts below have proceeded on the elementary principle that even a trespasser cannot be evicted without due process of law.

Mr. Sounak Bhattacharya, learned Counsel appearing on behalf of the appellant has very fairly submitted that a suit for eviction has been instituted against the respondents/decreed-holders.

The concurrent findings of fact arrived at on the basis of appreciation of the evidence does not require any interference in this second appeal. Moreover, we do not find any substantial questions of law on which the

second appeal could be admitted. Hence the second appeal being SAT 186 of 2018 stands dismissed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)