

DL. July 19,
11. 2022

S.A. 219 of 2011

**Yeajuddin Molla
Vs.
Harje Mondal @ Haraj Mondal & ors.**

**Mr. Saunak Bhattacharya,
...for the appellant.**

The present appeal has arisen out of a judgment and decree of affirmance passed by the learned Civil Judge (Senior Division) at Baruipur, South 24-Parganas, in Title Appeal No. 28 of 1998 arising out of judgment and decree dated February 9, 1998 passed by the learned Civil Judge (Junior Division), Second Court at Baruipur, South 24-Parganas, in Title Suit No. 12 of 1989.

The plaintiff/appellant before us prayed for declaration of title in respect of the property in suit but was unable to establish the same by producing any scrap of paper. The evidence adduced on behalf of the plaintiff/appellant shows that certain rent receipts were produced, which were not relating to the property in suit and that there are overwriting in respect of the few, which made the said document suspected. The said findings are based on examination of Exhibit 7-series and Exhibits 4 and 4A.

This concurrent findings of fact arrived at by both the courts below on the basis of the evidence adduced by the parties cannot be said to be perverse and does not call for any interference in the second appeal. Moreover, we do not find any substantial question of law involved in this appeal for which the same is required to be admitted.

The second appeal is, therefore, summarily dismissed under Order XLI Rule 11 of the Code of Civil Procedure.

There will be no order as to costs.

(Soumen Sen, J.)

dns

(Siddhartha Roy Chowdhury, J.)