

Item-11. 27-09-2022

SA 94 of 2010
CAN 1 of 2008 (old CAN 2833 of 2008)

sg Ct. 8

Anurupa Roy
Versus
Milan Tirtha Sangha

Mr. Sourav Sen, Adv.
Ms. Sumitra Das, Adv.
Ms. Riya Chatterjee, Adv.

...for the appellant

The second appeal is arising against the judgment and decree dated 16th January, 2006 passed by the learned Additional District Judge, Fast Track Court at Islampur, Uttar Dinajpur affirming the judgment and decree dated 30th September, 2004 passed by the learned Civil Judge (Junior Division) at Islampur, Uttar Dinajpur. The concurrent finding of facts with regard to adoption of the appellant is the subject matter of challenge in the second appeal.

We have carefully considered the judgment of the trial court as well as the first appellate court. Both the courts have relied upon amongst other the evidence of PW-1 and Exhibit F, which clearly suggest that the adoption has not taken place and the ingredients of the well-settled principle of law that there has to be a physical act of giving and reason was not established. The plaintiff could not establish some overt act to signify the delivery of land from one family to other. Even the evidence on record would suggest that the plaintiff could not establish the period, date or time when such adoption has taken place. On the contrary, the evidence of PW-1 and Exhibit F would establish that in her school and college records, the name of her natural father has been

recorded.

This concurrent finding of facts based on evidence does not call for any interference in the second appeal. The second appeal is not admitted and thus, stands dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)