

Item-96. 03-11-2022

sg

Ct. 8

SA 5 of 2010

Abdul Ohab Sk. & Ors.
Versus
Mofijul Sk. & Ors.

The appellants are not represented even in the second call. The matter was initially listed on 28th September, 2022 when the appellants were also not represented. The appeal was registered in the year 2008.

The judgment of affirmation in a suit for declaration of title and for permanent injunction is the subject matter of challenge in this second appeal.

Having regard to the fact that transfer of property by Humayun Kabir is established and Humayun Kabir had due knowledge about such transfer in the year 2001 itself and having regard to the fact that the said deed was proved in accordance with law, there is no scope for admission of the appeal.

Both the courts have correctly held that Rajia Bibi acquired right, title and interest in the suit property and non-suit property on the basis of the hevanama (exhibit 5/3) executed by her husband and accordingly, the plaintiffs have also acquired right, title and interest over and in respect of the suit property on the basis of which the sale deed was executed by Rajia Bibi. The execution of the sale deed was proved by Humayun Kabir. In fact, Humayun Kabir transferred the suit property in favour of Rajia Sultana who had subsequently transferred the property in favour of the present plaintiffs. There are clear findings of facts with regard to title being transferred in favour of the plaintiffs.

The Trial Court has analyzed the pleadings and evidence.

The Trial Court on appreciation of the evidence has recorded the aforesaid findings of the trial Court with regard to absolute right of the plaintiffs over and in respect of the suit property.

The appeal does not involve any substantial question of law on the basis of which, this appeal should have been admitted.

The second appeal is dismissed at the admission stage.

(Uday Kumar, J.)

(Soumen Sen, J.)