

Item-19. 21-09-2022

sg

Ct. 8

SA 32 of 2011

Jawad Hussain
Versus
Zainuddin Ansari

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant. The appellant has not been appearing since 14th December, 2022.

The appellate decree 7th January, 2010 affirming the trial court decree dated 25th August, 2008 passed in a suit for eviction of a licensee is the subject matter of challenge in this second appeal.

We have carefully considered the orders of the trial court as well as the appellate court.

The trial court, on the basis of the oral and documentary evidence, has come to a definite finding that the defendant is not a licensee in respect of the suit premises. On the contrary, the respondent is a monthly tenant under Abul Hossain Khan and there is no brevity of relationship between the plaintiff and the defendant.

The clear findings of the trial court as well as the first appellate court based on cogent evidence, do not call for any interference at this stage. It does also not involve any substantial question of law.

In view thereof, the appeal stands dismissed at the admission stage.

(Uday Kumar, J.)

(Soumen Sen, J.)