

Item-39. 19-09-2022

SMA 21 of 2010
With
CO 1227 of 2009

sg Ct. 8

Mansur Ali Molla
Versus
Najimuddin Molla & Ors.

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant.

This appeal was presented on 21st April, 2009 and thereafter no attempt was made to move this appeal. This matter was appearing in the list since 9th September, 2022 and in spite of having adequate information and knowledge about the pendency of this application, the appellant has chosen not to appear or make any representation.

In view of the decision of our Court in **2005(1) CLJ (Calcutta) 524**, we are of the view that the learned Additional District Judge, 3rd Court, Howrah was justified in reversing the order passed by the learned trial court on proper and true consideration of Section 85 of the Wakf Act, 1995.

The appeal stands dismissed. However, there shall be no order as to costs.

CO 1227 of 2009 stands also dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)