

Item-38. 19-09-2022

SA 161 of 2008
CAN 2 of 2007 (old CAN 10187 of 2007)

sg Ct. 8

Protap Chandra Kundu
Versus
Swarnalata Das

The appellate decree dated 26th October, 2006 affirming the decree of the trial court dated 18th October, 2003 in Title Suit no. 319 of 1995 has come up for admission.

It appears that the second appeal was presented after the expiry of the period of limitation. The delay was condoned on 8th October, 2007. Thereafter, no attempt was made to move this second appeal for admission. This matter first appeared in the list on 9th September, 2022 and since then it is appearing in the list.

The appellate court decreed affirming the decree of the trial court on satisfaction being recorded that the plaintiff was able to establish reasonable requirement. The findings of reasonable requirement are all based on oral and documentary evidence. The plaintiff was able to establish reasonable requirement.

In view of the aforesaid, we do not find any reason to admit this second appeal. The second appeal stands dismissed. CAN 2 of 2007 (old CAN 10187 of 2007) is also dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)