

DI. July 26,
20. 2022

S.A. 359 of 2016

Sri Sushil Kumar Dey
Vs.
Sri Pradeep Dey

None appears on behalf of the appellant, nor any accommodation is prayed on his behalf. The appellant also remained unrepresented on July 11, 2022. The present appeal was presented in the year 2014 without any effort or desire to move the appeal for admission. However, in view of the earlier order dated July 11, 2022, we propose to decide the question of admission of the second appeal.

The present appeal has arisen out of a judgment and decree of affirmance dated March 4, 2014 passed by the learned Additional District Judge, Third Court at Hooghly, in Title Appeal No. 95 of 2011 arising out of judgment and decree dated March 18, 2011 passed by the learned Civil Judge (Junior Division), First Court at Chandernagore, Hooghly, in Title Suit No. 93 of 2010.

The plaintiff/respondent filed the present suit, inter alia, praying for eviction of a premises tenant and for mesne profits. The plaintiff had been able to establish his case for reasonable requirement. As such, the Issue no. 5 in the suit was decided in favour of the plaintiff. In the evidence, the defendant's witness no. 1 admitted that there were two rooms in the suit holding both of which are tenanted and that one room under occupation of the sister of the plaintiff. He also admitted that the son of the plaintiff is unemployed. The plaintiff claimed the room for the purpose of

starting a business for his unemployed son.

In view of the fact that the ground for eviction of the defendant on the ground of reasonable requirement not being found illusory and in view of concurrent findings of fact arrived at by both the courts below, we do not find any substantial question of law involved in this appeal for which the same is required to be admitted.

The second appeal is, therefore, summarily dismissed under Order XLI Rule 11 of the Code of Civil Procedure.

There will be no order as to costs.

(Soumen Sen, J.)

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(Siddhartha Roy Chowdhury, J.)