

21.06.2022
KC(13)

S.A. 61 of 2022
Kamala Mondal and Ors.
-versus-
Krishna Roy and Anr.

Mr. Soumik Ganguly.....For the appellants.

There is no merit in this intended second appeal.

Two points of law are sought to be urged by learned advocate for the appellants.

The first is that one of the issues, as to whether the appellants had pad-locked the premises and left it for more than one year, had not been attempted to be proved by the respondents. Secondly, the requirement of the premises by the respondent on the ground of reasonable requirement had not been proved.

Without going into the first point, on perusal of the judgment of the trial court and the first appellate court, we can take the view that whether the premises was reasonably required by the respondents or not was a question of fact which was adequately enquired into and determined by both the courts.

Hence, we find no justification in admitting the appeal. No question of law, far less any substantial question of law, is involved. The appeal is hereby

dismissed. The impugned judgment and decree is affirmed.

We grant the appellants liberty to make an application before the learned court below only for the purpose of seeking time to vacate the premises within a short time, on terms and conditions regarding payment of occupation charges with the condition that if there is failure to vacate the premises within the stipulated period, execution proceedings for eviction would forthwith be levied or continued against the appellants.

(I.P. MUKERJI, J.)

(BIVAS PATTANAYAK, J.)