

DL. August 8,
59. 2022

S.A. 118 of 2013

Smt. Purnima Singh & ors.

Vs.

Tapan Kumar Basu

Mr. Chlandi Charan Roy,

Mr. Manoranjan Jana,

...for the appellants.

Mr. Srijan Sengupta,

Mr. Saurav Roy,

Ms. Narattam Acharyya,

Mr. Ankush Ghosh,

...for the respondent.

The present appeal has arisen out of a judgment and decree of affirmance dated October 11, 2012 passed by the learned Civil Judge (Senior Division), Second Court at Howrah, in Title Appeal No. 78 of 2009 arising out of judgment and decree dated March 23, 2009 passed by the learned Civil Judge (Junior Division), Fifth Court at Howrah, in Title Suit No. 186 of 2005.

The relationship between the parties was governed by the Transfer of Property Act. It is elementary that a tenant governed under the Transfer of Property Act is required to be served with a notice under Section 106 of the said Act by the landlord and the court is not required to enquire into the existence of grounds as are required under the West Bengal Premises Tenancy Act. In this regard, the decision in the case of Prasanta Ghosh & anr. Vs. Pushkar Kumar Ash & ors. reported in 2006(2) CHN 277 may be looked into.

Both the courts below have concurrently found that

notice of eviction under Section 106 of the Transfer of Property Act has duly been served upon the present appellants.

In view thereof, we do not find any reason to interfere with the concurrent findings of fact arrived at by both the courts below. Moreover, we find no 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.)

dns

(Siddhartha Roy Chowdhury, J.)