

DL. July 5,
19. 2022

S.A. 103 of 2021

Miss Dolly Liu
Vs.
Smt. D. T. Shering

None is appearing on behalf of the appellant, nor any accommodation is prayed for.

The present appeal has arisen out of a judgment and decree of reversal passed by the learned Additional District Judge, Second Court at Darjeeling, in O.C. Appeal No. 23 of 1999 arising out of judgment and decree dated September 6, 1999 passed by the learned Civil Judge (Junior Division) at Kurseong, Darjeeling, in O.C. Suit No. 10 of 1997.

We have perused and considered the judgments delivered by the trial court as well as the first appellate court. We are of the view that in the light of the decisions rendered in the case of Maharam Ali vs. Dinanath Prasad Sha reported in A.I.R. 1973 Cal. 379 and in the case of Mrs. V. Aviet vs. Malik Zafar reported in (1987) 2 C.H.N. 436, the first appellate court was justified in reversing the judgment and decree passed by the trial court holding, inter alia, that the defendant/tenant could not be evicted on the ground of default as the defendant was a defaulter in payment of rent only for the month of \December 1989 and that the plaintiff/appellant failed to establish her case of reasonable requirement as the evidence on record would suggest that the plaintiff/appellant has sufficient accommodation which is suitable and reasonable for her own use and for the use of her relatives.

The findings arrived at by the first appellate court does not call for any interference in the second appeal. Moreover, 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 at the admission stage 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.)