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The appeal is of the year 2016. However, no attempt has been made to move this appeal. The appeal appeared in the warning list on 16th November, 2022 with a clear indication that the same shall be transferred to the regular list on 21st November, 2022 and since then the matter is appearing in the list.

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant.

On the earlier occasion on 25th November, 2022 none had appeared on behalf of the appellant.

In spite of notice, the appellant did not take any step to remove the defects, as reported by the stamp reporter in his report dated 24.02.2016. The matter was adjourned on the earlier occasion in order to enable the appellant to remove the defects.

Although, we could have dismissed the appeal for not putting the deficit court fees or to remove the defects, however, we propose to find out if any substantial question of law(s) is involved in this second appeal.

From the order of the first appellate court it appears that the first appellate court has dismissed the appeal as the appellant/plaintiff could not establish his right, title and interest in respect of the suit property whereas the defendants by virtue of Exhibits- A and A(i) could establish their right, title and interest in respect

of the suit property. Exhibits- A and A(i) are the registered sale deeds. The execution of registration of the said deeds was duly proved. The appellant/plaintiff claimed 31 decimals of land in the manner as under :-

1. *by inheritance from his mother (5 decimals),*
2. *by virtue of gift from his mother (1 decimal),*
3. *by purchase from Md Niyamatulla Hilbakki (5 decimals),*
4. *by purchase from Golam Moula Naqbi and others (18 decimals) and*
5. *by purchase from his brother Rizuar Rahaman (2 decimals).*

However, the appellant has been able to establish his case in term of only two transactions taken place such as the purchase from Md Niyamatulla Hilbakki (5 decimals) which is marked as Exhibit-8 and another is the purchase from Golam Moula Naqbi and others (18 decimals) which is marked as Exhibit-7 respectively. Rest other transactions as promulgated in the impugned suit, the appellant could not substantiate in the least, no any witnesses come on the dock have cast light in such claim of him.

As opposed to such claim, the impugned deeds Exhibits- A and A(i) clearly establish the title of the plaintiff/appellant in respect of the suit property to the extent indicated in the said deeds. The said two exhibits are to be read along with Exhibits-D to D(vi), which are LRROR recorded in the name of the respondents.

Although, the said recordings are rebuttable, but it certainly raises strong presumption of possession of the suit property by the defendants and the same is clearly established by the impugned deeds being Exhibits- A and A(i).

On such consideration, we do not find any substantial question of law involved in this second appeal. The appeal accordingly fails.

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

There will be no order as to costs.

(Uday Kumar,J.)

(Soumen Sen, J.)

