

Bimala Das & Anr.

Vs.

**Sri Sri Gobinda Jew and Sri Sri
Nitya Gopal Jew Bigraha represented
By Smt. Bhagabati Saha & Ors.**

The appellants are not represented, nor any accommodation is prayed on their behalf.

The appeal was presented in the year 2006. Thereafter, it was registered as SA 31 of 2022.

The appeal initially appeared in the list on 1st October, 2021 when the appellant was not represented and the then coordinate bench directed for listing the matter on 7th October, 2021 for dismissal.

Thereafter, this matter appeared on 9th September, 2022 and since then it is appearing in the list. It seems that the appellants have due notice of the matter. We, however, propose to decide the question of admission of the present second appeal on the basis of the materials available on record.

The judgment and decree of affirmation dated June 30, 2005 passed by the learned Additional District Judge, (F.T.C) Nabadwip, Nadia, in Title Appeal No. 2 of 2005/104 of 1999 arising out of judgment and decree dated April 28, 1999 passed by the learned Civil Judge, Junior Division, Nabadwip, in Title Suit No. 49 of 1994 is the subject matter of challenge in this appeal.

The trial court dismissed the suit on the ground that the plaintiffs have failed to prove reasonable requirement and other issues. However, with regard to the question of service of notice, the first appellate court held that the notice of eviction was

duly served upon the defendants. There is a concurrent finding of fact to that effect. This finding was assailed in the second appeal.

Since the law of tenancy was changed and the suit was dismissed, we do not find any reason to interfere with the concurrent finding of facts with regard to the service of eviction notice upon the appellants.

In view thereof, 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.

(Uday Kumar ,J.)

(Soumen Sen, J.)

