

DL. September
10. 15, 2022

S.A. 29 of 2022

Jagdish Chandra Majumdar

Vs.

Smt. Arati Bala Seal & anr.

The appellant is not represented, nor any accommodation is prayed on his behalf.

The appeal was earlier listed on October 1, 2021, but none had appeared on behalf of the appellant to move the appeal for admission. Thereafter the matter was again appearing in the list since September 7, 2022. 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 November 28, 2005 passed by the learned Judge, Seventh Bench, City Civil Court at Calcutta, in Title Appeal No. 93 of 2004 arising out of judgment and decree dated August 30, 2004 passed by the learned Judge, Second Bench, Small Causes Court at Kolkata, in Ejectment Suit No. 1341 of 2000 is the subject matter of challenge in this appeal.

There is a clear finding of fact by the first appellate court as well as by the trial court with regard to the reasonable requirement of the plaintiffs in respect of the suit premises. The said finding is based on cogent evidence.

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.

In view of dismissal of the appeal, nothing remains to be decided in the connected application for stay filed under CAN 3200 of 2006 and the same is also dismissed.

There will be no order as to costs.

(Soumen Sen, J.)

dns

(Uday Kumar, J.)