

DL. December
37. 16, 2022

S.A.T. 99 of 2009

Fulsura Bibi & ors.
Vs,
Noor Islam & ors.

The matter appeared in the warning list on November 29, 2022 with a clear indication that the matter would be transferred to the daily cause list on December 5, 2022 before the regular bench. Since then the matter is appearing in the list. The present appeal is of the year 2009.

Today the appellant is not represented, nor any accommodation is prayed for.

In absence of the appellants, we have carefully gone through the judgments of both the courts below and the grounds taken by the appellants for considering the question of admission of the present second appeal.

The judgment and decree of affirmance dated December 17, 2008 passed by the learned Additional District Judge, Fast Track Court No. II at Kandi, Murshidabad, in Title Appeal No. 28 of 2005 arising out of judgment and decree dated September 28, 2005 passed by the learned Civil Judge (Junior Division), Second Court at Kandi, in Title Suit No. 84 of 2000, which is a suit for declaration of title and permanent injunction, is the subject matter of challenge in this appeal.

The plaintiffs/respondents having been able to establish the amicable partition amongst the legal heirs of Yakub Sk by way of adducing oral and documentary evidence, we do not find any reason to interfere with the concurrent findings of fact arrived at by

both the courts below.

Having found no substantial question of law involved in this appeal for which the same is required to be admitted, the same is summarily dismissed under Order XLI Rule 11 of the Code of Civil Procedure.

There will be no order as to costs.

dns

(**Uday Kumar, J.**)

(**Soumen Sen, J.**)