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

The appeal was presented in the year 2000. Thereafter, it was registered as SA 45 2022.

The appeal initially appeared on 9th September, 2022 and since then it is appearing in the list. It seems that the appellant has 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 March 01, 2000 passed by the learned Additional District Judge, Katwa, in Title Appeal No. 82/2 of 1999 arising out of judgment and decree dated December 15, 1997 passed by the learned Civil Judge (Junior Division), 2nd Court, Katwa, in Title Suit No. 142 of 1989 is the subject matter of challenge in this appeal.

After considering the judgment of both the courts below we feel that both the courts below have rightly held that the suit is barred by under Section 34 of the P.D Act. Moreover, both the courts below arrived at a finding that the plaintiff did not pay Rs. 6,447/- towards loan.

In view thereof, we do not find any merit in the second appeal.

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.)