

08.07.2022
SL No.9
Court No.8
(gc)

**SAT 164 of 2012
With
CAN 5 of 2022**

**Smt. Sonoka Mahajan & Ors.
Vs.
Sri Rabindra Nath Ghosh (since deceased)
Rep. by Sri Sanjoy Ghosh & Anr.**

(Through Video Conference)

Mrs. Sabita Mukherjee Roychowdhury,
Ms. Rajashree Paul,
Mr. Sanket Das,
...for the Respondents.

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

The appeal is directed against the judgment and decree passed by the learned Judge, 12th Bench, City Civil Court at Calcutta in T.A. No.25 of 2010. The learned First Appellate Court was pleased to affirm the judgment and decree passed by the learned Trial Court in Ejectment Suit No.2614 of 2000.

The matter came up for hearing on 20.06.2022, when learned Counsel for the respondents/decreed-holders submitted that possession has already been delivered. Learned Counsel for the appellants present that day submitted that he would come back with the present status of the suit property. On 27.06.2022, the matter was adjourned. Today, none appears on behalf of the appellants. Learned Counsel for the respondents produced a Photostat copy of the Order No.175 dated 10.06.2022 wherefrom it appears that Execution Case was disposed of on full satisfaction of decree.

Under such circumstances, we do not find any reason to admit the second appeal, once dismissed for default earlier, only to burden the Court. The concurrent finding of the learned Trial Court and First Appellate Court is unassailable. Photocopy of Order No.175 dated 10.06.2022, together with Bailiff Report be kept with record.

Hence, the second appeal does not deserve any order of admission.

Accordingly, the appeal being SAT 164 of 2012 and the application being CAN 5 of 2022 stand dismissed.

However, there shall be no order as to costs.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)