

Item-29. 22-09-2022

sg Ct. 8

SA 68 of 2021

Uttam Kumar Shaw & Anr.
Versus
Laxman Rajak & Ors.

In terms of the order dated 27th January, 2022, a report is filed by the Assistant Registrar-XVI dated 17th May, 2022.

The report filed by the Assistant Registrar-XVI dated 17th May, 2022 shall be placed in the Administrative Side.

The appellate judgment and decree dated 10th June, 2005 affirming the judgment and decree dated 30th April, 1997 passed by the Trial Court in a suit for eviction of trespassers is the subject matter of this second appeal.

There is a clear finding by both the courts that the defendants are the trespassers in respect of Ka-1 schedule property. The suit was decreed ex parte based on the evidence of the plaintiffs supported by Exhibit-1 series, Exhibits 2 and 3.

The First Appellate Court affirmed the said decree on the basis of the same set of evidence.

The plaintiffs have conclusively proved that they are in possession of the Ka schedule suit property since 1992 after purchasing the suit property. They have also mutated their names in the concerned Municipality after purchasing the suit property. The defendants could not establish any right, title and interest in the suit property.

In view of such clear findings based on oral and

documentary evidence, we do not find any substance in this second appeal. The second appeal is dismissed. However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)