

14.12.2022
SL No.8
Court No.8
(gc)

SAT 3786 of 2000

**Raj Kumar Ghosh & Ors.
Vs.
The State of West Bengal**

This matter appeared in the Warning List of 29th November, 2022 with a clear indication that this matter shall be transferred to the Regular Bench on 5th December, 2022. Since then the matter is appearing in the list. The second appeal is of the year 2000. The appellants have due notice of the matter.

The matter was heard last on 14.06.2021 and on the prayer of the learned Counsel for the appellants was adjourned till August, 2021. The appellants are not represented.

The appellate decree dated 31st July, 2000 affirming the judgment and order of the Trial Court dated 27th August, 1997 in a suit for declaration of title and permanent injunction is the subject of the second appeal.

We have perused the impugned judgments and the grounds of appeal. The Trial Court dismissed the suit after a finding is recorded that the Exhibit-4 on which the plaintiffs rested its case was forged. No title can pass on the basis of a fraudulently obtained document. This finding of fact is based on evidence, both oral and documentary. The First Appellate Court has also concurred with the findings of the Trial Court on re-

appreciation of evidence. The concurrent findings of facts arrived at by both the Courts below are not perverse and is a view that can be taken on the basis of the evidence on record.

Accordingly, the second appeal stands dismissed at the admission stage.

However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)