

06.05.2022
SL No.4
Court No.8
(gc)

SAT 284 of 2019
With
CAN 2 of 2019
(Old No: CAN 9440 of 2019)

Sri Sarbeswar Tewari
Vs.
Sri Raghunath Chel
@ Naran Chandra Chel

Mr. Ramaswar Sinha
...for the Appellant.

The second appeal is arising out of a judgment and order dated 26th November, 2018 passed by the learned Civil Judge (Senior Division) in Title Appeal No.01 of 2017 by which the judgment dated 28th February, 2017 in Title Suit No.51 of 2013 passed by the learned Civil Judge (Junior Division) was affirmed.

We have heard the learned Counsel for the appellant. There are concurrent findings of fact that the appellant failed to establish easement of necessity. These findings have remained unshaken. We have gone through the evidence. It is an admitted position that the appellant could not substantiate his claim of easement of necessity.

In view of such concurrent findings of facts duly supported by evidence and reason, we do not find any substantial questions of law on the basis of which the second appeal can be admitted.

Accordingly, the second appeal being SAT 284 of 2019 and the application being CAN 2 of 2019 (Old No: CAN 9440 of 2019) stand dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Sugato Majumdar, J.)

(Soumen Sen, J.)