

Item-5.	11-11-2022	SA 27 of 2022 CAN 1 of 2006 (old CAN 8078 of 2006)
sg	Ct. 8	Basudeb Das Versus Bikas Dutta

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant. The appellant was also not represented on the earlier occasion. In view of our earlier order, we propose to decide the admission of the second appeal.

The appeal is arising out of a judgment dated 28th June, 2006 and decree dated 10th July, 2006 passed by the learned Additional District Judge, 2nd Fast Track Court, Serampore, Hooghly confirming the judgment dated 29th March, 2005 and decree dated 30th March, 2005 in a suit for eviction and mesne profit is the subject matter of challenge in the second appeal.

The plaintiff filed a suit for eviction on the ground of reasonable requirement. The plaintiff alleged that the plaintiff required the schedule property for his own use and occupation. The plaintiff is residing at 10, Patuapara lane with his mother and he is also running his business in the ground floor of the same premises. But the space available in the said premises is not sufficient to run his business. The plaintiff also required separate bath and privy for family members by reason of the fact that from the same premises the plaintiff runs his business and the customers use to enter directly into the said house for business purpose.

The plaintiff adduced evidence. The plaintiff's case was further corroborated from the report filed by the learned Commissioner. The First Appellate Court, on appreciation of the

evidence, has concurred with the findings of the learned Trial Court.

The concurrent findings of fact based on evidence do not suffer from any perversity. The second appeal stands dismissed at the admission stage. However, there has be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)