

31.10.2022
SL No.12
Court No.8
(gc)

**SA 94 of 2021
CAN 1 of 2008 (Old No: CAN 750 of 2008)**

**Sk. Nurul Huda Zamadar
Vs.
Sk. Abdul Mannaf & Anr.**

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant.

The appeal was registered in the year 2006. The concurrent finding of fact in a suit for eviction is the subject matter of the second appeal. The First Appellate Court in Title Appeal No.49 of 2004 dated 28th September, 2006 affirmed the decree dated 23rd February, 2004 passed by the learned Civil Judge, Junior Division in a suit for recovery of khas possession on the ground of default and reasonable requirement. The plaintiffs having proved the service of notice under Section 106 of the Transfer of Property Act in accordance with law and that the tenancy was governed by the provisions of the Transfer of the Property Act, we do not find any concurrent findings of facts with regard to the validity of the said notice to quit and its service from the respondents. The concurrent findings of facts based on evidence are not interfered with at the admission stage in the second appeal as it does not involve any substantial questions of law.

Accordingly, the second appeal being SA 94 of 2021 stands dismissed.

In view of dismissal of the second appeal, the application being CAN 1 of 2008 (Old No: CAN 750 of 2008) also stands dismissed.

However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)