

06.09.2022
SL No.12
Court No.8
(gc)

SA 580 of 1999

**Sankar Sanki
Vs.
Biswanath Sadhukhan & Ors.**

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

The second appeal has come up for admission. The second appeal was presented with various defects and ultimately cured on 15th May, 1999. Thereafter, no attempt was made to move the second appeal for admission.

The second appeal is directed against a decree of affirmation by the First Appellate Court of judgment and decree passed in T.S. No.227 of 1990 dated 30th September, 1993. The plaintiffs filed a suit for eviction and mesne profits. The eviction was on the ground of default and reasonable requirement. Before the Trial Court, the plaintiffs were able to establish both the grounds. The learned Trial Court relied upon the cross-examination of the D.W.1 and the rent receipt (Exhibit-2(a)) which corroborated the statement of the plaintiffs that the defendant paid rent up to December, 1989. The service of notice of eviction was duly proved. The First Appellate Court on consideration of the material on record and on analysis of the oral and documentary evidence of

the parties arrived at the same finding. The concurrent findings of facts of the Trial Court are based on cogent evidence. There is no perversity noticeable.

In view of the aforesaid, we do not find any substantial question of law involved in the second appeal and dismissed at the admission stage.

The second appeal being SA 580 of 1999, accordingly, stands dismissed.

However, there shall be no order as to costs.

This order shall immediately be communicated to the learned Judge, 1st Court (Junior Division), Serampore, Hooghly in T.S. No.227 of 1990 by the department concerned.

(Uday Kumar, J.)

(Soumen Sen, J.)