

26.07.2022
SL No.14
Court No.8
(gc)

SA 515 of 2009

**Smt. Gayatri Devi
Vs.
Bholanath Gupta**

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

The appeal is arising out of a judgment and decree dated 29th November, 2007 passed by the learned Additional District Judge, Sealdah affirming the judgment and decree dated 29th October, 2005 passed by the learned Civil Judge, Junior Division, 2nd Court, Sealdah in T.S No.453 of 1991. The plaintiff filed a suit for eviction and mesne profits. The plaintiff alleged that the defendant was a monthly tenant. She was a habitual defaulter since May, 1990 and had caused extensive damage to the suit property. It was further alleged that the defendant sub-let the suit property to a third party without the consent of the plaintiff. The Trial Court on the basis of the evidence-on-record dismissed the suit as the plaintiff was unable to establish any of the grounds mentioned in the plaint.

We have gone through the order of the Trial Court as well as the Appellate Court carefully. From the evidence, it would appear that the plaintiff was unable to prove any damage to the suit property or sub-letting.

However, there was an initial default and the same was condoned by the Trial Court. The judgment of the Trial Court was upheld by the First Appellate Court.

In view of concurrent findings of facts arrived at by both the Courts below on the basis of the available materials-on-record, we do not find it to be a fit case and no substantial question of law is involved in the second appeal.

Hence, the second appeal being SA 515 of 2009 is dismissed at the admission stage.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)