

**SA 257 of 2014
With
CAN 1 of 2013**

**Swapam Kumar Mondal
Vs.
Ashi Ranjan Parukh**

Order Dated: 10.03.2023

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

The department in its report dated 2nd March, 2023 has stated that the appellant has not complied with the order dated 2nd March, 2023.

The department has reported that the defects pointed out by the Additional Stamp Reporter on 21st August, 2013 have not been removed as yet.

The matter had appeared earlier before a Coordinate Bench on 29th July, 2021. In spite of being aware of such defects no attempt has been made to remove the defects.

We could have dismissed the matter at the admission stage for non removal of defects, however, we have decided to consider the judgment of both the courts and the grounds of appeal in order to find out if this second appeal involves any substantial question of law.

We have carefully read both the judgments. The tenancy is determinable by a notice under Section 106 of the Transfer of Property Act. The notice has been duly served.

Under such circumstances, we do not find any reason to admit the second appeal.

The second appeal stands dismissed at the admission stage.

In view of the aforesaid CAN 1 of 2013 (Old CAN No 8613 of 2013) is dismissed.

(Soumen Sen, J.)

(Uday Kumar, J.)