

SAT 16 of 2016
with
I.A No. CAN 1 of 2017(Old CAN No. 594 of 2017)
Sri Ganesh Karan
Vs.
Sri Himangshu Sekhar Santra & Ors.

The appellant is not represented. Even on the earlier occasion the appellant was unrepresented.

The matter is appearing in the list since 6th February, 2023. Therefore, the appellant has due notice.

The department has reported that the defects pointed out by the stamp reporter in its report dated 21.01.2016. No attempt has been made to remove such defects.

The appellate judgment and decree dated 24th September, 2015 affirming the judgment and decree passed by the trial court on 27th May, 2013 is the subject matter of challenge in this second appeal.

We have carefully gone through the judgment of the the first appellate court as the appellant has not filed the certified copy of the judgment of the trial court.

The first appellate court on the basis of the evidence has arrived at a finding that the Exhibits-A and B series relied upon by the appellant did not establish his title whereas the series of documents marked as Exhibit-2 the plaintiffs/respondents undoubtedly established their right, title and interest and possession of plaintiffs and proforma defendant no. 6 over the suit property. The Exhibits 2,3 and 7 series reflected that the suit property was owned and

possessed by the vendors of the plaintiffs. Exhibits 8 and 9 showed that the same was transferred in favour of the plaintiffs.

In absence of the appellant to demonstrate the said exhibits with regard to the title and possession of the plaintiffs in respect of 'Ka' schedule property we are not inclined to admit the second appeal. We could have dismissed the second appeal for non-removal of defects having regard to the long passage of time, which clearly indicates that the appellant is not interested to proceed with the appeal. We, however, propose to consider the judgment of the first appellate court and the grounds of appeal to decide the question of admissibility of the second appeal.

On such consideration, the appeal is accordingly dismissed along with CAN 594 of 2017.

Interim order, if any, stands vacated.

There will be no order as to costs.

(Uday Kumar ,J.)

(Soumen Sen, J.)

