

SAT 36 of 2015
with
I.A No. CAN 1 of 2015(Old CAN No. 1485 of 2015)

Sri Sunil Kumar Guchait & Anr.
Vs.
Smt. Basanti Mondal & Ors.

The appeal is defective. However, no attempt has been made to remove the defects. The appeal is of the year 2015.

The appeal appeared in the warning list on 29th November, 2022 with a clear indication that the same shall be transferred to the regular list on 5th December, 2022, since then the matter is appearing in the list. Therefore, the appellants have due notice.

The defects notified by the stamp reporter in his report dated 10.02.2015 have not yet been removed by the appellants.

The appellate decree dated 30th October, 2014 affirming the judgment and decree passed by the trial court on 20th May, 2009 in a suit for declaration and permanent injunction is the subject matter of challenge in this second appeal.

We have carefully read the judgment of the trial court as well as the first appellate court.

One of the issues before the trial court was whether the plaintiffs were the absolute owners, that was discussed by the trial court in deciding the issue nos. 3 and 4. The plaintiffs in support of his claim have produced exhibits-2,3,4,5 and 6. All deeds of sale were executed by different parties, which show the chain of title. In absence of any rebuttal evidence and having regard to the fact that the plaintiffs were able to establish their title on the basis of the said

documents, the suit was decree in favour of the plaintiffs.

The first appellate court on examination and appreciation of the evidence has concurred with the findings of the trial court, we do not find any reason to interfere with the concurrent finding of facts.

The appeal accordingly fails.

The second appeal is, therefore, summarily dismissed under Order XLI Rule 11 of the Code of Civil Procedure at the admission stage along with CAN 1485 of 2015.

There will be no order as to costs.

(Uday Kumar,J.)

(Soumen Sen, J.)

