

19 17.01.2023
AN Ct. No. 08

SAT 92 of 2016
With
IA No. CAN 1 of 2016 (Old No. CAN 4099 of 2016)

Amal Kumar Arhang
vs.
Biswanath Safui

The file is defective. All the defects as reported by the Stamp Reporter in the report dated 06.08.2016 have not yet been cured.

This matter was appearing in the Warning List of cases since 29.11.2022 until it was transferred to the regular list on 05.12.2022 and since then the matter is appearing in the list. The appellant is served due notice about the pendency of the appeal which clearly shows that the appellant is not interested to proceed with the appeal. No steps have been taken to remove the defects either.

There is no application for acceptance of the default court fees filed on behalf of the period of limitation.

It appears that the appellant has filed this appeal only to delay the execution of decree. The appellate judgment and decree dated 11.09.2015 affirming the judgment and decree dated 07.01.2011 in a suit for ejectment is the subject matter of challenge in this appeal.

We have perused the order passed by the learned trial court as well as the First appellate court. Both the courts have arrived at a concurrent finding that there is defect. Both the courts have concluded that having failed to comply with the order, the appellant is not entitled to get any benefit in view of Section 7(4) of the West Bengal

Premises Tenancy Act, 1997. From the document exhibited, it is clear that the plaintiffs was able to prove his case for eviction on the ground of default and reasonable requirement.

The appeal, accordingly, stands dismissed at the admission stage both on merits and at the admission stage.

This order shall be immediately communicated to the learned Civil Judge, Junior Division, 1st Court, Alipore, South 24 Parganas for information and doing the needful. Consequently, the connected application also stands dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)