

28.04.2023
SL No.18
Court No.8
(gc)

SAT 242 of 2015

**Manijul Sekh
Vs.
Reshma Khatun Bibi**

The appellant is not represented, nor any accommodation is prayed for on behalf of the appellant. The appeal is of the year 2015. The matter initially appeared in the Warning List on 6th March, 2023 and thereafter transferred to the Regular List on 21st March, 2023. Since then the matter is appearing in the list. The appellant has due notice about the listing of the matter. The appeal is still defective.

We have read the judgment of the Trial Court as well as the First Appellate Court and the grounds of appeal in order to find out whether the second appeal involves any substantial question of law.

The appellate judgment and decree dated 10.03.2015 and 18.03.2015 affirming the judgment and decree dated 31.01.2014 and 10.02.2014 passed by the Trial Court in a suit for declaration is a subject matter of challenge in this second appeal. The allegation was that the defendant was falsely claiming herself to be the legally wedded wife of the plaintiff on the basis of Kabilnama and she had filed several criminal cases against the plaintiff only with the purpose of extracting money. In the

proceeding, the defendant produced all relevant documents and evidence to show that she is a legally married wife. On the basis of the preponderance of the evidence, the claim of the respondent was established. The learned Trial Judge relied upon the Kabilnama dated 18.07.2011, Exhibit-A and the photograph appearing on the Kabilnama, Exhibit-A1.

On the basis of such cogent evidence, the findings of the Trial Court and the Appellate Court do not call for any interference.

Accordingly, the second appeal stands dismissed at the admission stage.

However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)