

28.04.2023  
SL No.23  
Court No.8  
(gc)

**SAT 269 of 2015**  
**CAN 1 of 2015 (Old No: CAN 11913 of 2015)**

**Samed @ Amedali Gazi**  
**Vs.**  
**Mabia Bibi & Anr.**

The appellant is not represented, nor any accommodation is prayed for on behalf of the appellants. The appeal is of the year 2015. The matter initially appeared in the Warning List on 6<sup>th</sup> March, 2023 and thereafter transferred to the Regular List on 21<sup>st</sup> 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.

The appellate judgment and decree dated 11<sup>th</sup> March, 2015 affirming the judgment and decree dated 28<sup>th</sup> June, 2005 passed by the Trial Court in a suit for declaration and injunction is a subject matter of challenge in this second appeal. 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 learned Trial Judge on the basis of the evidence has come to a finding that the plaintiff has a valid right and title over the suit property. The title of the property of the plaintiff is established from Exhibit 1 to Exhibit 6 which are all primary documents indicating the source of

title and acquisition of title. The plaintiff was able to prove the title on the basis of the said deed supported by oral evidence.

On such consideration, we do not find any reason to interfere with the order passed by both the Courts with regard to the title of the plaintiffs and their right to recover the possession of the suit property.

On such consideration, the second appeal stands dismissed at the admission stage.

In view of the dismissal of the second appeal at the admission stage, the connected application also stands dismissed.

However, there shall be no order as to costs.

**(Uday Kumar, J.)**

**(Soumen Sen, J.)**