

22 18.5.2023

Ct-08

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SAT 289 of 2016
with
I.A No. CAN 1 of 2019(Old CAN No. 1106 of 2019)

Kamal Sen
Vs.
Smt. Samabala Barmani & Ors.

Mr. Firoze Hassan
... For the Appellant

The appellant is not represented.

The defects pointed out by the stamp reporter have not yet been removed till date.

The decree of reversal is the subject matter of this second appeal.

We have carefully read the judgment of both the courts below and the grounds of appeal in order to find whether this appeal involves any substantial question of law or not.

Undisputedly the transfer made by the plaintiff in favour of three parties including the appellant was held to be void by reason of Section 49(1A) of the West Bengal Land Reforms Act, 1955. Exhibit-4 discloses the proceeding under Section 50(f) of the said Act in which such adjudication was made on 14th September, 2009 and all transferees were directed to handover of the land to the plaintiff. Thereafter, the plaintiff filed the documents showing that the LRROR was since rectified and deposited the rent on 14.01.2015. These two facts appeared to have been ignored in rejecting the claim of the plaintiff.

The first appellate court considered the said provision as well as the documents exhibited. In our view, on proper appreciation of evidence those findings arrived at by the first appellate court, admittedly exhibited, are not under

challenge.

Under such circumstances, we do not find any reason to interfere with the order passed by the first appellate court. The concurrent finding of facts does not call for any interference.

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.

In view of dismissal of the appeal, nothing remains to be decided in the application for stay being CAN 1106 of 2019 and the same is accordingly dismissed.

There will be no order as to costs.

(Uday Kumar ,J.)

(Soumen Sen, J.)

