

12.05.2023
SL No.24
Court No.8
(gc)

SAT 302 of 2015

Sribash Biswas & Ors.

Vs.

Niranjan Biswas & Ors.

The appellants are 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 6th March, 2023 and thereafter transferred to the Regular List on 21st March, 2023. Since then the matter is appearing in the list. The appellants have due notice about the listing of the matter. The appeal is defective since 3rd June, 2015. No attempt has been made to remove the defect.

The appellate judgment and decree dated 22nd May, 2015 affirming the judgment and decree dated 21st September, 2000 passed by the Trial Court in a suit for title and permanent injunction is a subject matter of challenge in this second appeal.

The suit was dismissed on contest. The First Appellate Court confirmed the order. We have carefully read the judgment of both the Courts and the grounds of appeal. Both the Courts have come to a clear finding that the plaintiff had failed to prove his title over the suit property. The plaintiff had also failed to prove that his vendor had the saleable interest in the suit property. On

consideration of the record of rights and document, both the Courts have arrived at a finding against the appellants.

The concurrent findings of facts based on evidence are not to be likely interfered with unless it is perverse. We cannot say that the findings arrived at by both the Courts cannot be a view formed on the basis of the pleadings and the evidence on record. Moreover, the second appeal does not involve any substantial question of law.

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.)