

34 18.5.2023

Ct-08

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SAT 327 of 2016

**Sri Budhadeb Hansda
Vs.
Arabinda Ghosh & Ors.**

The appellant is not represented.

The appeal is appearing in the list on and from 14th February, 2023. Therefore, the appellant is having deemed notice of the matter.

The defects indicated by the stamp report on 6th August, 2016 have not yet been removed till date.

The appellate court's judgment and order dated 29.4.2016 affirming the judgment and decree dated 30.7.2015 in a suit for declaration of title over a schedule property is the subject matter of challenge in 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.

The trial court dismissed the suit.

The plaintiff appears to have failed to prove his legal character in relation to property in question. The plaintiff claims to be the bargadar. However, it appears that the property was void to the Government free from all encumbrances. The claim of the plaintiff is that he was a riyat in the suit property for over 30 years also could not be proved. In the alternatively to be a lessee, which was also not proved

After going through the judgment of the trial court as well as the first appellate court, the plaintiff's claim to be a bargadar does not prove.

On examination of the oral and documentary evidence as well as the reappraisal of the evidence, the first appellate court dismissed the

title appeal.

On such consideration, we do not find any reason to admit the second appeal. 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

There will be no order as to costs.

(Uday Kumar ,J.)

(Soumen Sen, J.)

