

Item-28.
sg 12-05-2023

Ct. 8

SAT 346 of 2015

Nanda Lal Biswas & Anr.
Versus
Gurupada Ghosh & Ors.

The appellants are not represented nor any accommodation is prayed for on their behalf.

The matter initially appeared in the warning list on 6th March, 2023 and thereafter transferred to the regular list on 21st March, 2023. There was a clear indication in the list that the matter shall be transferred to the daily cause list on 21st March, 2023 and since then, the appeal is appearing in the list. In spite of having due notice and knowledge that the matter is pending, the appellants are not represented. The appellants have also not taken any step to remove the defects as notified by the Additional Stamp Reporter on 24th July, 2015. It is clear that the appellants are not interested to proceed with the matter.

We could have dismissed the appeal for non-removal of the defects. However, we propose to have a look at the judgments of both the courts in order to find out whether the second appeal involves any substantial question of law. We have also read the grounds of appeal.

The appellate decree dated 22nd May, 2015 affirming the decree dated 28th June, 2012 in a suit for declaration of title and permanent injunction is the subject matter of challenge in this instant appeal.

The appellants could not prove their title in respect of the property. In fact, they claimed adverse possession. The plea of

adverse possession could not be established.

The concurrent findings of facts of both the Courts on the issue do not call for any interference.

The second appeal being SAT 346 of 2015 stands dismissed at the admission stage.

(Uday Kumar, J.)

(Soumen Sen, J.)