

Item-30.
sg 12-05-2023

Ct. 8

SAT 352 of 2015
CAN 1 of 2015 (old CAN 11734 of 2015)

Rita Sur nee Mukherjee
Versus
Binapani Kundu & Ors.

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant.

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 appellant is not represented.

Although the delay has been condoned, other defects pointed out by the Additional Stamp Reporter dated 28th July, 2015 is still subsisting. The appellant has also not taken any step to remove the defects. It is clear that the appellant is 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 29th May, 2015 passed by the Learned Judge, 11th Bench, City Civil Court at Calcutta affirming the decree dated 30th January, 2013 passed by the

learned Judge, 5th Bench, Presidency Small Causes Court at Calcutta in a suit for ejectment and recovery of possession is the subject matter of challenge in this second appeal.

The suit was decreed on the ground of reasonable requirement along with other grounds. The decree is dated 29th May, 2015.

In concurrence with the findings of the Trial Court as independently applied his mind to the facts and the evidence on record and considering the family members of the plaintiff along with the entire accommodation, the appellate court held that the ground of eviction for reasonable requirement is not fanciful.

The appeal accordingly, stands dismissed at the admission stage.

In view of dismissal of the appeal, the connected application shall also stand dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)