

Item-19. 16-05-2023

sg Ct. 8

SAT 365 of 2015

Jagannath Shaw
Versus
Hari Sadhan Sett & 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 appellants are not represented. The appellants have also not taken any step to remove the defects as notified by the Additional Stamp Reporter on 3rd August, 2015. 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 20th April, 2015 passed by the learned Additional District Judge, Chandernagore, Hooghly affirming the judgment and decree dated 31st July, 2012 and 13th August, 2012 passed by the learned Civil Judge (Junior Division), Additional Court, Chandernagore in a suit for recovery of possession on revocation licence and injunction is the subject

matter of challenge in this second appeal.

We have carefully read the judgments of both the courts and the grounds of appeal. It is evidence from the judgement of both the courts that the defendant along with his predecessor was allowed to stay in the suit premises. The plea of section 60B of the Easement Act could not be proved. The contribution towards construction of the permanent construction was also not proved.

Under such circumstances, we do not find any reason to admit the second appeal.

The second appeal stands dismissed. However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)