

Item-23. 16-05-2023

sg Ct. 8

SAT 393 of 2015

Haladhar Chatterjee, since deceased,  
represented by his legal heirs, namely,  
Bela Rani Chatterjee & Ors.  
Versus  
R.A. Sharma & Anr.

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

The matter initially appeared in the warning list on 6<sup>th</sup> March, 2023 and thereafter transferred to the regular list on 21<sup>st</sup> March, 2023. There was a clear indication in the list that the matter shall be transferred to the daily cause list on 21<sup>st</sup> 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 14<sup>th</sup> August, 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 judgment and decree dated 22<sup>nd</sup> April, 2015 passed by the learned Additional District and Sessions Judge, 6<sup>th</sup> Court, Alipore, South 24 Parganas affirming the judgment and decree dated 31<sup>st</sup> May, 2010 passed by the learned Civil Judge (Junior Division), 6<sup>th</sup> Court, Alipore in a suit for specific performance, is

the subject matter of challenge in this second appeal.

Both the Courts have held that the suit is barred by limitation. We have carefully read the judgments of both the courts and it is quite clear from the evidence and otherwise that the suit is barred by limitation. The findings of both the courts are based on cogent evidence.

The appeal does not involve any substantial question of law and the same is, accordingly, dismissed. However, there shall be no order as to costs.

**(Uday Kumar, J.)**

**(Soumen Sen, J.)**