

Item-24.		SAT 397 of 2015
	16-05-2023	Madan Mohan Karmakar
sg		Versus
	Ct. 8	Shankar Karmakar & 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.

The appeal is defective. The defects as mentioned by the Additional Stamp Reporter dated 20th August, 2015 are considered and ignored.

The judgment and decree dated 5th May, 2015 passed by the learned Civil Judge (Senior Division), 1st Court at Howrah affirming the judgment and decree dated 23rd December, 2010 passed by the learned Civil Judge (Junior Division), 6th Court, Howrah in a suit for declaration of title, is the subject matter of challenge in this second appeal.

In view of the findings with regard to Title Deed Nos. 3065 dated 17th October, 1977 and 812 dated 31st March, 1980 decided in the earlier proceeding between the parties, the right to claim any ownership in respect of the properties is clearly vacated by res-judicata. In our view, both the courts have rightly applied the

said principle and dismissed the suit on that ground.

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.)