

30 16.5.2023

Ct-08

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SAT 423 of 2015

**Sri Sunil Kumar Mondal & Ors.
Vs.
Sri Jitendra Kumar Das & Ors.**

The minor defects reported by the stamp reporter are ignored.

The appellants are not represented.

The appeal appeared in the warning list on 6th March, 2023 with a clear indication that the same shall be transferred to the regular list on 21st March, 2023, since then the matter is appearing in the list. The appellants are having deemed notice of the matter.

The appellate judgment and decree dated 27th May, 2014 affirming the judgment and decree passed by the trial court on 31st August, 2010 in a suit for declaration and permanent injunction is the subject matter of challenge in this second appeal.

We have carefully read the judgment of both the courts below and the grounds of appeal in order to find whether this appeal involves any substantial question of law or not.

It appears from the judgment of the trial court as well as the first appellate court that Exhibit-2C i.e. title deed proves the title of the plaintiffs in respect of the suit land and in so far as the encroachment is concerned, it is proved by the report of the Advocate Commissioner, which was marked as Exhibit-3.

On such consideration, we do not find any reason to admit the second appeal. The concurrent finding of facts does not call for any interference.

The appeal accordingly fails.

The second appeal is, therefore, summarily dismissed under Order XLI Rule 11 of the Code of Civil Procedure at the admission stage

There will be no order as to costs.

(Uday Kumar ,J.)

(Soumen Sen, J.)