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The appeal is defective. However, no attempt has been made to remove the defects. The appeal is of the year 2016.

The appeal appeared in the warning list on 29th November, 2022 with a clear indication that the same shall be transferred to the regular list on 5th December, 2022, since then the matter is appearing in the list. Therefore, the appellant has due notice.

The defects notified by the stamp reporter in his report dated 26.9.2016 have not yet been removed by the appellant.

The appellate decree dated 16th July, 2016 affirming the judgment and decree passed by the trial court on 21st August, 2013 in a suit for eviction is the subject matter of challenge in this second appeal.

We have carefully gone through the judgment of the trial court as well as the first appellate court.

We could have dismissed the appeal for non-removal of defects. However, we propose to find out if any substantial law is involved in this second appeal.

The first appellate court decreed the suit after being satisfied with the service of notice and the plaintiff had established to prove his case.

The issue nos. 10 and 11 are based on reasonable requirement.

The plaintiff in his evidence has clearly established that the present accommodation is

inadequate.

Considering the need of the plaintiff and his family members the first appellate court has agreed with the trial court on re-appreciation of the evidence on record.

Both the courts have relied upon the report of the Commissioner, which clearly brings out the inadequate area being presently occupied by the plaintiff.

Under such circumstances, we do not find any reason to interfere with the order passed by the trial court as well as the first appellate court.

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.)

