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Ct-08

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SAT 2702 of 2007
with
I.A No. CAN 2 of 2015(Old CAN No. 11567 of 2015)

Md. Ibrahim & Ors.
Vs.
Shamsul & Ors.

Mr. Suprobhat Bhattacharya
Md. Habibur Rahman
... For the Appellants

Mr. Partha Sarathi Bhattacharyya, Sr. Adv
Mr. Raju Bhattacharyya
... For the Respondent nos. 2 to 6

The appellate decree dated 24th August, 2007 affirming the judgment and decree passed by the trial court on 4th May, 2005 is the subject matter of challenge in this second appeal.

We have heard the learned counsel appearing for the parties.

Both the courts on interpretation of Section 59 of the Bihar Tenancy Act held that the rent receipts (Exhibit-3), on the basis of which the title and possession has been claimed, could not be proved as in preparing such rent receipts Section 59 of the Bihar Tenancy Act was not followed. Learned counsel appearing for the appellants would not demonstrate any infirmity in the said finding. Moreover, it is well settled law that the entry of the name recorded in the record of rights does not create any title.

Under such circumstances, we do not find any reason to interfere with the concurrent findings of facts arrived at by both the courts below.

The appeal is accordingly dismissed along with
CAN 11567 of 2015.

There will be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)