

10.01.2023
SL No.23
Court No.8
(gc)

SAT 456 of 2014

Sk. Nausar Ali
Vs.
Provhat Dutta & Ors.

This matter appeared in the Warning List of 29th November, 2022 with a clear indication that this matter shall be transferred to the Regular List on 5th December, 2022. Since then the matter is appearing in the list. The appellant has due notice of the matter. The appellant is not represented. The appeal is defective.

The appellate decree dated 30.06.2014 affirming the judgment and decree dated 25.08.2011 in a suit for recovery of possession is a subject matter of challenge in this second appeal. We have carefully read the order passed by the Trial Court as well as by the First Appellate Court. The plaintiff filed the suit for eviction on the ground of reasonable requirement and damage. It is not in dispute that the tenancy is determinable by serving a notice under Section 106 of the Transfer of Property Act. The Trial Court was satisfied with the service of the said notice. Since the defendant did not vacate the suit premises in spite of determination by notice, the suit was decreed. The Appellate Court affirmed the said decree.

There is no substantial question of law is involved in the second appeal.

Accordingly, the second appeal stands dismissed at the admission stage.

(Uday Kumar, J.)

(Soumen Sen, J.)