

08-06-2023
Court No.1
Sh/38.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

**FMAT 10 of 2022
With
CAN 1 of 2022**

Joges Chandra Sarkar
-Vs-
Manjurika Sarkar @ Manjurika Datta.

Mr. Subhasish Misra,
Mr. Swarup Das.

..For the Appellant.

The suit filed for declaration that the wife has suffered a civil death on the basis of presumption of Section 108 of the Indian Evidence Act.

Learned trial judge dismissed the suit as no publication was made in the news paper nor any witness was produced who would naturally have heard of his wife, if she had been alive.

We do not find any reason to interfere with the judgment passed by the learned trial court.

Accordingly the appeal and the connected application is dismissed without however, any order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury,J.) (Soumen Sen, J.)