

g.b.
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10.02.
2021
Ct. No.12

SAT 114 of 2020
With
IA No: CAN/1/2020

Biswanath Kundu & Anr.
Vs
Arambagh Bidyut Athelatic Club

Mr. P. K. Dutt
Mr. C. K. Dutt
.....For the Appellants

This second appeal is admitted on the following substantial questions of law.

(i) Whether the first appellate court has properly considered the material and evidence with regard to the claim of adverse possession by the defendant/respondent?

(ii) Whether on the basis of the material and evidence on record the defendant was able to prove that their possession was open, continuous and hostile?

(iii) Whether the first appellate court has misconstrued and misread Exhibits 7 and 8 in reversing the order of the trial court?

In view of the admission of the second appeal we restrain the defendant from alienating, encumbering, changing and or transferring the suit property for a period of eight weeks or until further orders, whichever is earlier.

Let this matter be listed after four weeks.

The petitioner shall serve a copy of the application upon the opposite party defendant/respondent within two weeks from date by speed post with acknowledgement due with the intimation that the matter shall be listed after four weeks.

If the respondent does not appear on the returnable date, the application for stay shall be heard in absence of the respondent.

The affidavit of service shall be filed on the returnable date.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)