

**FMA 349 of 2021
with
IA No. CAN 1 of 2021**

Motor Fuel & Stores Private Limited

- Versus -

Arun Kumar Dutta @ A. K. Dutta

(Through Video Conference)

**Mr. Rupak Ghosh
Mr. Kaushik Mandal
Mr. Ratul Das**

....For the appellant

Mr. Kushal Chatterjee

.....For the respondent

By consent of the parties the appeal and the application are taken up together and disposed of by this common order.

The parties have agreed that till the repairing work is completed, the plaintiff shall remove the car from the existing garage space everyday at 10.00 a.m. in the morning and shall garage the car any time after 6.00 p.m. till the repairing work of the garage is completed.

In the event due to the repairing work, the car cannot be kept at the existing place, the car shall be allowed to be garaged at any other suitable place that may be provided within the garage itself by the appellant till the repairing work of the garage is completed.

We expect that the repairing work be completed as expeditiously as possible and preferably within a period of six weeks from date of obtaining permission from the

Kolkata Municipal Corporation. Till such permission is obtained, the existing arrangement should continue.

The plaintiff may during the repairing work, park the car within the compound.

This order is, however, without prejudice to the rights and contentions in the pending suit.

The interim order, thus modified to the aforesaid extent is at the suggestion of the parties.

The appeal as well as the application stands disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on the usual undertakings.

(Subhasis Dasgupta, J.)

(Soumen Sen, J.)