

22.09.2021
KC(80)

F.M.A.T. 506 of 2021
Sri Sri Ishwar Lakshmi Narayan Jew
-versus-
M/s. Patel Brothers and Ors.
With
CAN 1 of 2021
(Via Video Conference)

Mr. Swatarup Banerjee,
Ms. Somali Mukhopadhyay.....For the appellant.

Ms. Sonal Shah,
Mr. Kushagra Shah.....For the respondent
no. 1.

As the point involved is very short we propose to dispose of the appeal and the connected application, dispensing with all formalities.

The apprehension expressed by Mr. Swatarup Banerjee, learned advocate for the appellant is that the respondent tenant shop owners, in the guise of repairing and renovating the shop rooms after a recent fire, are threatening to change the nature and character of the tenanted premises and that they should be directed to maintain status quo.

We are of the view that the status quo as of today should be maintained till the learned judge of the trial court is in a position to consider the interim application. We are told that the returnable date before that court is sometime in December, 2021.

The status quo as of today has to be ascertained. We appoint Ayan Kr. Boral, advocate, Bar Association Room No. 2 [98305 47806 (m)] and Ms. Laxmi Shaw,

Advocate [62909 52481 (m)] as Joint Special Officers to immediately visit the suit property and ascertain the status quo as of today. Their visit and inspection should be minuted in the presence of the parties and/or their respective advocates-on-record and a report filed before the learned court below by 30th September, 2021.

The learned court below will take a decision on the basis of the said report and also other materials brought before it on the returnable date. The learned trial judge will have the discretion either to continue with the Joint Special Officers or discharge them.

The Joint Special Officers would be paid remuneration of Rs. 25,000/- each which may be enhanced by the learned trial court if their assistance is further required.

The status quo as mentioned in the report to be filed by the joint Special Officers shall be strictly maintained by the parties till further orders of the learned trial judge.

The appeal (F.M.A.T. 506 of 2021) and the connected application (CAN 1 of 2021) are thus disposed of.

(I.P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)

