

09.03.2021
SL No.8
Court No.12
(gc)

**FMAT 949 of 2019
With
CAN 1 of 2019
(Old No: CAN 10516 of 2019)**

**Calcutta Chamber of Commerce
Vs.
M/s. Kundan Restaurant Pvt. Ltd. & Ors.**

(Via Video Conference)

Mr. M.S. Tiwari,
...for the Appellant.
Mr. Debnath Ghosh,
Mr. Soumya Ray Chowdhury,
Ms. Pubali Sinha Chowdhury,
...for the Respondent No.1.

The instant appeal has arisen against the order No.85 dated 28th August, 2019 passed by the learned 13th Bench, City Civil Court at Calcutta in Title Suit No.1269 of 1984 directing both the parties to maintain status quo in respect of the nature, character and possession of the suit property till the disposal of the suit.

Such injunction order was granted in connection with a suit filed by the appellant/tenant seeking a declaration that the appellant/tenant should not be evicted by the landlord/respondent without adhering to due process of law. The learned Advocate for the appellant/tenant submits that the property under the possession of the appellant has been transferred to a transferee/purchaser, and the transferee/purchaser has raised some allegations against the appellant/tenant, which has given reasons to claim apprehension that the appellant might be evicted from the suit property after making forceful dispossession from the

tenanted premises. The learned Advocate for the appellant frankly admits that he is only a tenant in respect of the suit property and he has no claim of ownership over the tenanted premises.

Learned Advocate representing the respondent No.1/Defendant No.3 submits that no eviction proceeding is pending against the appellant/tenant. The apprehension suffered by the appellant/tenant is without any objective reasons and satisfactions.

Since the entire basis of this appeal is founded upon the apprehension, not being supported by objective reasons, we do not want to interfere with the impugned order, as there is neither illegality, nor any perversity in the impugned order. The injunction order as such will remain undisturbed. We, however, direct the court below that in the event a suit being otherwise made ready, the same may be disposed of as expeditiously as possible without granting any unnecessary adjournment.

With such directions, the appeal being FMAT 949 of 2019 and the application for stay being CAN 1 of 2019 (Old No: CAN 10516 of 2019) stand disposed of.

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

(Subhasis Dasgupta, J.)

(Soumen Sen, J.)