

26.03.2021
SL No.9
Court No.12
(gc)

RVW 47 of 2020
With
CAN 1 of 2020
(Old No: CAN 2546 of 2020)
With
CAN 2 of 2020
(Old No: CAN 2547 of 2020)

Buddhadeb Halder
Vs.
Chandra Nath Chandra
(Via Video Conference)

Mr. Tanmoy Mukherjee,
Mr. Amal Kr. Saha,
...for the Petitioner.
Mr. Asit Kumar Chowdhury,
...for the Opposite Party.

A futile attempt to reopen the issues settled by us in our judgment dated 5th February, 2020 is made on the pretext that few documents showing that the mother of the applicant was in occupation of the room which formed part of the joint tenancy of the two brothers was not taken into consideration.

This time few documents were disclosed to show that certain statutory authorities had issued notices and seized certain articles from the room where apparently the nephew of the deceased brother kept some stock in violation of some statutory provisions. It is stated that due to reasons beyond the control of the petitioner, such documents could not be brought on record earlier to prove that a tenancy was created in favour of the nephew and such fact was known to

the decree-holder. Apart from the fact that explanations offered for bringing on record some documents in support of the business being carried out by the nephew from the said room, which admittedly belong to one of the deceased brothers, the said documents do not advance the case of the applicant in view of the fact that we are specifically holding that the mother of the nephew was a licensee and her son cannot have a better right.

Under such circumstances, we dismiss the review application with cost assessed at Rs.10,000/-. Such cost should be deposited with the State Legal Services Authority within a period of two weeks from date.

The connected applications, accordingly, stand dismissed.

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

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)