

ORDER SHEET
APO 157 OF 2020
WITH
CS 121 OF 2020
GA 1 OF 2020
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

M. A. LEASING AND CONSTRUCTION PVT. LTD.
Versus
PADMAVATI TREADLINK LTD. AND ANR.

BEFORE:

The Hon'ble JUSTICE I. P. MUKERJI
The Hon'ble JUSTICE MD. NIZAMUDDIN
Date : 07TH JANUARY, 2021.

Appearance:
Mr.S. N. Mukherjee, Sr. Adv.
Mr. M. Bose, Adv.
For the appellant

Mr. Tilak Kumar Bose, Sr. Adv.
Mr. D. Ghosh, Adv.
Mr. P. K. Sarawgi, Adv.
Ms. S. Gandhi Murgai, Adv.
For the respondents

The Court: As the point involved is very short, we propose to dispose of this appeal, dispensing with all formalities.

The only issue which seems to arise from the impugned judgement and order dated 4th December, 2020 is the interpretation to be made of the word “use” in the third last paragraph of the said order.

Does it imply possessory use or use as a mere licensee ?

After hearing learned counsel appearing for the parties and receiving their valuable assistance, this Court is relieved of the duty to adjudicate on this point.

We observe and direct that the plaintiff/respondent and its lessee would have free access to the “open space” for operating and maintaining the chiller plant, water tank, dish antenna and control room and would also be allowed ingress into and egress therefrom by the Appellant.

Time to file the affidavit-in-opposition is extended by one week from this date. Affidavit-in-reply may be filed by two weeks thereafter.

The interlocutory application may be heard out taking any observation made in this order as tentative only and being uninfluenced by any observation in the impugned order.

The appeal (APO No.157 of 2020) and the connected application (GA No.1 of 2020) are, accordingly, disposed of.

(I. P. Mukerji, J.)

(Md. Nizamuddin, J.)