

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

**F.A. 161 of 2016
Bank of Baroda
Vs.
Dr. Bimal Kumar Khetawat & Anr.
With
CAN 1 of 2015(Old No. CAN 2948 of 2015)
With
CAN 3 of 2022
With
F.A. 359 of 2009
Bank of Baroda
Vs.
Dr. Bimal Kumar Khetawat & Anr.
With
CAN 2 of 2012(Old No. CAN 2836 of 2012)
With
CAN 3 of 2021
With
CAN 4 of 2022**

**Mr. Suchayan Banerji
Mr. S.K. Banerjee
Ms. Moumita Ghosh** ... For the Appellant.

**Mr. Aasish Choudhury
Mrs. Anindita Basu** For the Respondents.

We have examined the original terms of settlement signed by the parties and by their respective advocates on record.

The terms appear to be valid and lawful.

The said terms of settlement are taken on record.

S.D.

Decree, in accordance with the said terms of settlement, disposing of both the above appeals.

The decree of the learned First Civil Judge(Senior Division) at Alipore dated 31st March, 2009

for eviction and the decree dated 21st November, 2014 by the said court for mesne profits are modified by this decree.

CAN 3 of 2022+CAN 4 of 2022

Order also in terms of prayer (b) of the respective petitions directing the Registrar General of this Court to refund the amount of Rs.10,00,000/- (Rupees Ten lakhs) along with the accrued interest thereon, deposited by the appellant in terms of the order dated 11th July, 2011 in CAN 5118 of 2009 connected with F.A. 359 of 2009 (**Bank of Baroda Vs. Dr. Bimal Kumar Khetawat & Anr.**) within four weeks of communication of this order.

Order also in terms of prayer (c) of the respective petitions which is quoted below:-

“(c) An order be passed granting leave to the petitioner to declassify and use and appropriate the earmarked amount of Rs.1,00,00,000/- (Rupees one crore) kept aside pursuant to the order dated 6th July, 2012 passed by the Hon’ble Court in FMAT No. 744 of 2012(Bank of Baroda –Vs- Dr. Bimal Kumar Khetawat & Anr.)”

The applications CAN 3 of 2022 and CAN 4 of 2022 presenting the above terms of settlement for sanction by this court and for other orders are allowed to the above extent.

The other applications if not disposed of earlier are disposed of by this order.

CPAN 456 of 2019

This application alleging contempt (CPAN 456 of 2019) is treated as on the day’s list.

The respondents/applicants do not want to proceed with the said application.

In those circumstances, this court does not take note of any alleged contempt.

The application (CPAN 456 of 2019) is disposed of without initiating any steps.

(I.P. Mukerji, J.)

(Aniruddha Roy, J.)

