

17.11.2022

Sl.No. 27
Ct.No.3
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMA 349 of 2022
With
CAN/1/2022

Smt. Apu Rani Saha
VS
Sri Soumen Dutta & Ors.

Mr.Gopal Chandra Ghosh
Mr. Rajkrishna Mondal

...for the appellant

Re: CAN/1/2022

We admit the appeal.

We proposed to hear it out by dispensing
with all formalities.

An affidavit of service is on record.

None appears for the respondents.

We have gone through the impugned order
of the learned court below. There is no
fundamental error in the said order. Only one
part needs modification. That part of the order
restraining the parties from raising any
permanent structure is modified and clarified to
the following effect:

Since according to the photographs of the
construction shown to us in court by Mr. Ghosh,
his client has almost completed the construction
work, she shall be allowed to complete the
construction in all respects without the right to

make any vertical or horizontal addition to it. The work proposed to be done like plastering, painting, fixing of windows and other moveables shall be proposed before the learned court below in an application by the appellant mentioning the nature and extent of such work proposed to be done which shall be recorded and allowed by it.

The learned court below shall dispose of the application within two weeks of moving the same. The rest of the impugned order is affirmed.

The appeal and the connected application are, accordingly, disposed of.

(Biswaroop Chowdhury,J.) (I. P. Mukerji,J.)