

15.09.2022

Sl.No. 59

Ct.No. 3

Amalranjan

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

SAT 93 of 2020

Sri Dilip Kumar Mallick

VS

Sri Sujit Kumar Sen & Ors.

With

CAN/1/2020 (Old CAN 2989 of 2020) Stay

Mr. Sourav Sen

Mr. Dibasish Basu

Mr. Biswajit Maity

...for the defendant/appellant

Mr. Debjit Mukherjee

Mr. Sanjib Mitra

...for the plaintiffs/respondents

Re: CAN/1/2020 (Old CAN 2989 of 2020)

No question of law far less any substantial question of law is involved in this intended second appeal. We do not propose to admit it.

However, considering the facts and circumstances of this case, including the long occupancy of the subject premises by the appellant and the fairness showed by learned counsel for the parties, we grant time to the appellant up to 15th September, 2023 to vacate the premises and deliver peaceful and vacant possession thereof to the respondents.

This is subject to the condition that the appellant shall pay from September, 2022 occupation charges to the respondent no. 1 at the rate of Rs. 750/- per month, payable by the 7th of each month in advance, except for September, 2022 when the occupation charges may be paid by 26th September, 2022.

Such payment shall be *ad hoc* without prejudice to the rights and contentions of the respondents to realise *mesne profit* or any other claim in a civil forum.

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

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