

25.07.2022
KC(5)

S.A.T. 70 of 2021
Prabir Kumar Bakuli and Anr.
-versus-
Tanushree Sadhukhan
With
CAN 1 of 2021

Mr. Ratul Das.....For the appellants.

This is an intended second appeal. It is against the judgment and decree of the learned court below dated 16th March, 2021 directing eviction of the appellants by delivery of possession of the subject premises to the respondent.

The execution proceedings have commenced.

Mr. Das, learned advocate for the appellants submits that by the process of court the appellants have been evicted. However, some items, which are said to be affixed to the floor, owned by them still remain in the premises and that his clients be given liberty by this court to enter the premises and remove those items.

The appellants do not wish to prosecute the appeal.

If the appellants do not want to prosecute the appeal, we are unable to admit it on the ground that a second appeal can be admitted in this court only on a substantial question of law.

We dispose of the appeal (S.A.T. 70 of 2021) and the connected application (CAN 1 of 2021) by giving leave to the appellants to approach the learned trial court with the self-same prayer when that court shall, upon hearing the respondents, allow the appellants to remove their items from the premises on such terms and conditions as the learned trial court may think fit and proper. Upon such application being made the learned trial court shall dispose of the same within four weeks from that date, preferably.

(I.P. MUKERJI, J.)

(SUBHENDU SAMANTA, J.)