

Item-18 11-02-2022

FMA 1379 of 2021
CAN 1 of 2021

sg Ct. 8

Life Insurance Corporation of India
Versus
Bishnu Kumar Shrestha

(Through Video Conference)

Mr. Aniruddha Chatterjee, Adv.
Mr. Mohan Lall Banerjee, Adv.
Mr. Saptarshi Kumar Mal, Adv.
...for the appellant

Mr. Jishnu Chowdhury, Adv.
Mr. Soumavo Ghose, Adv.
Mr. Biswajit Kumar, Adv.
...for the respondent

Pursuant to the assurance given to this Court earlier by Mr. Aniruddha Chatterjee, learned Counsel for the appellant, the operation of the lift is restored.

Mr. Chatterjee, on instruction, assures that there will be no impediment or inconvenience in the smooth operation of the said lift. However, it is submitted that the respondent is not a regular occupant of the flat and is staying in Delhi. Accordingly, as and when he comes to Kolkata, the lift may be made operational.

Mr. Jishnu Chowdhury, learned Counsel appearing on behalf of the respondent, however, disputes such contention made on behalf of the appellant and submits that his client is a cancer patient and frequently visits Kolkata and stays at the said flat.

Be that as it may, LIC shall install a sub-meter in the name of the respondent with the required permission of the CESC for use of the said lift. The electricity charges for use of the said lift

shall be borne by the respondent. The maintenance costs of the lift, however, shall be borne by the appellant. In the event the appellant succeeds in the eviction proceeding, the appellant would be entitled to release the maintenance charges from the respondent.

Both the learned Counsel for the parties have submitted that the suit may be disposed of in terms of this order.

We direct the parties to produce this order before the learned Trial Judge for disposal of the suit on the aforesaid terms.

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

This order shall not create any equity in favour of the respondent.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)