

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

**S.A.T. 104 of 2022
With
CAN 1 of 2022**

**Sri Narayan Sharma
Vs.
Sri Bindeswar Sharma**

Mr. Kaustav Chandra Das ... For the Appellant.

**Mr. Saunak Bhattacharyya
Mr. S. S. Ahmed ... For the Respondent.**

CAN 1 of 2022

The appellant has been declared to be a licensee under the respondent by the learned court below and a decree for eviction passed against him accordingly.

Learned counsel for the appellant contends that his client is a sub-lessee under a superior lessor and that the decree for eviction ought not to have been passed.

Either the appellant ought to have established such right by taking appropriate steps in this proceeding or ought to have brought an independent proceeding to agitate and establish this right. He has done neither of the two.

S.D.

We find no question involved far less any substantial question of law to admit this second appeal.

However, we direct that the execution proceeding be not commenced or if already commenced,

be not further proceeded with till 16th November, 2022 to give the appellant a chance to establish the right which he has claimed.

If no contrary order is obtained by the appellant by the time as above, the respondent shall be free to commence or proceed with the execution proceeding.

The appeal **(SAT 104 of 2022)** and the connected application **(CAN 1 of 2022)** are disposed of.

(I.P. Mukerji, J.)

(Biswaroop Chowdhury, J.)

