

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

**S.A.T. 121 of 2022
With
CAN 1 of 2022**

**Sri Kamal Krishna Maity
Vs.
Smt. Tutu Mondal**

**Mr. Santipada Pahari
Ms. A. Mukherjee ... For the Appellant.**

**Mr. Pinaki Ranjan Mitra
Mr. S. Mukhopadhyay For the Respondent.**

Re: CAN 1 of 2022

There is no merit in this second appeal.

No question of law has been raised, let alone any substantial question of law.

The tenancy was monthly and governed by the Transfer of Property Act, 1882. Proper issuance and service of the requisite notice under Section 106 of the said Act by the respondent upon the appellant has been proved as observed in paragraph 23 of the judgement and decree of the 1st Appellate Court.

Default in payment of rent by the respondent is also fairly established as noted in paragraph 20 of the said judgement.

S.D. In those circumstances, we see no reason to admit the appeal.

The appeal (SAT 121 of 2022) and the connected application (CAN 1 of 2022) are dismissed.

However, on the prayer of learned counsel for the appellant and considering all the facts and circumstances the appellant is granted time up to 31st March, 2023 to vacate the premises and hand over peaceful possession thereof to the respondent.

Taking into account the fact that the rent last paid was Rs.250/- per month up to 2012, the respondent shall pay to the appellant Rs.1000/- per month as occupation charges, without prejudice to the rights and contentions of the parties from September, 2022 to March, 2023, by the seventh of each month payable in advance.

If execution proceedings have been started it will be kept in abeyance till 31st March, 2023.

If the appellant fails to vacate the subject premises and deliver its possession to the respondent by 31st March, 2023, the execution proceedings may be resumed or if not started till date may be initiated.

Execution proceedings may also be resumed or initiated if there is default in payment of occupation charges in terms of this order.

The appeal (SAT 121 of 2022) and the connected application (CAN 1 of 2022) are disposed of.

(I.P. Mukerji, J.)

(Subhendu Samanta, J.)

