

ASR 13.
14.12.2022

**SAT 239 of 2019
With
CAN 1 of 2019 (old CAN no. 12271 of 2019)**

**Sasanka Kundu
Vs.
Sudhirranjan Biswas**

**Mr. Pradyot Kumar Nandi
Ms. Anjana Sen Gupta**

.....For the appellant

Upon hearing learned counsel for the appellant, we find that no substantial question of law is involved in this appeal.

The defence of the appellant is based on an alleged oral long-term lease. Without registration and stamping such lease is not valid in the eye of law.

We do not think it fit to admit the appeal.

However, considering the fairness shown by learned counsel for the appellant that his client would vacate the suit premises within six months from date, we allow him time till 30th June, 2023 to quit and vacate the premises and hand over its vacant possession to the respondent.

The judgement and decree of the First Appellant Court was passed on 26th July, 2018. The rent last paid was Rs. 200/- per month. From August, 2018 or till handing over vacant possession of the premises the appellant shall pay to the respondent occupation

charges at the rate of Rs. 500/- (rupees five hundred) per month without prejudice to his rights and contentions to claim any additional sum by way of mesne profit or occupation charges.

The arrear from August, 2018 till December, 2022 may be paid by 31st March, 2023.

The current occupation charges from January, 2023 should be paid by the 7th of each month in advance.

Execution proceeding against the appellant shall remain stayed till 30th June, 2023. In default of the appellant vacating the premises by 30th June, 2023 or in default any condition regarding payment of occupation charges the respondent would be at liberty to execute the decree of the First Appellate Court immediately.

The appeal and the connected application are disposed of by this judgement and decree.

(I. P. Mukerji,J.)

(Biswaroop Chowdhury,J)