

ASR 24.
21.9.2022

**FMAT 307 of 2022
With
CAN 1 of 2022**

**Balaji Sports Industries.
Vs.
Sri Partha Pratim Ghosh**

Mr. Kushal Chatterjee

.....for the Appellant

**Mr. Sumanta Biswas
Mr. Bikash Shaoo**

.....for the respondent

We admit the appeal.

We proposed to hear out the appeal after dispensing with all formalities:

In the suit premises the appellant/defendant a partnership firm by the name of Balaji Sports Industries carries on business, as a tenant under the respondent/plaintiff.

The partnership was formed on 5th May, 1998 with Rajib Dutta and Tripti Dutta as partners.

A suit for eviction of this firm instituted by the respondent/plaintiff is pending before the learned Civil Judge, Senior Division, 3rd Court at Barasat.

Subsequently, Rajib Dutta retired and in his place Smt. Ankhi Dutta (Ghosh) was inducted as a partner in the partnership firm, in April 2016.

The allegation of the appellant before us is that the respondent is treating the said Ankhi Dutta (Ghosh) as a rank outsider and is not allowing her to enter into the suit property and carry on the business of the partnership firm.

Learned counsel for the respondent assures the court that no such step has been taken or intended to be taken by the respondent.

We are of the view that this assurance will take care of the grievance of the appellant in this application.

In case the respondent is in breach of the said statement by the learned Advocate, the appellant will be at liberty to approach the learned court to seek an appropriate order._

We request the learned court below to hear out and dispose of the suit expeditiously preferably within a period of one year in accordance with law.

With the above observations, we dispose of the appeal (FMAT 307 of 2022) and the connected application (CAN 1 of 2022).

(I. P. Mukerji,J.)

(Biswaroop Chowdhury,J)