

21.09.2022

Sl.No. 16

Ct.No.3

Amalranjan

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMAT 319 of 2022

Sri Keshab Lal Mukherjee
VS
Sri Bimal Chandra Bhowmick & Anr.

With
CAN/1/2022

Mr. Arnab Roy
Mr. Satyam Mukherjee
Ms. Sayani Ahmed
Mr. Soumyadeep Mukherjee

...for the appellant

Re: CAN/1/2022 (Stay)

This appeal is preferred by the landlord/
lessor.

It is against an order of remand made by the
learned first appellate court to the learned trial
judge to adjudge this suit afresh.

In the suit, the tenants/lessees claim a
declaration that they are such under the
appellant/defendant. This is not the first time
the suit has been remanded.

We find that the appellant is in possession
of the subject premises. Furthermore, at this
point of time, the suit is at the argument stage.

In those circumstances, it would only be
just and equitable, if the learned trial court is

allowed to complete the trial of the suit and pass a decree leaving all legal remedies and rights open to the parties in course of the trial and also after the decree is pronounced.

We order accordingly.

With the above observations and directions, this appeal and the connected application are disposed of.

(Biswaroop Chowdhury,J.) (I. P. Mukerji,J.)