

25.08.2023
SL No.5
Court No.8
(gc)

FA 205 of 2019

**Ahmed Omer Md. Sadiq & Ors.
Vs.
Md. Khurshid Izhar & Ors.**

Mr. S.E. Huda,
Md. Imteyaz Aslam Lodhi,
Sk. Aptabuddin,
...for the Appellants.
Mr. Anit Kr. Rakshit,
Ms. Gargi Acharyya,
...for the Respondent No.1.

1. The learned Counsel for the appellants submits that during the pendency of the appeal, the respondents Nos.1, 3 & 4 have surrendered their tenancy. The respondent No.2 did not contest the suit and is not in possession.
2. The learned Counsel for the respondent No.1 on instruction submits that the respondents Nos.1, 3 and 4 have surrendered tenancy in favour of the appellants and the same would be appearing from an agreement dated 27th July, 2023 where such facts have been recorded.
3. In view of the subsequent event, the appeal is disposed of by recording that the respondents Nos.1, 3 and 4 have

surrendered the tenancy in favour of the appellants.

4. In view of such subsequent event, the order of the learned Trial Court is set aside.

5. L.C.R. may be sent down to the Trial Court.

6. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)