

ASR 7.
15.3.2023

**FMAT 47 of 2023
With
CAN 1 of 2023**

**Ananda Kumar Sharma & Anr.
Vs.
Suresh Kumar Pasari**

**Mr. Mainak Bose
Mr. Rachit Lakmani
Mr. Rishabh Karnami
Mr. Nikunj Birlia
Mr. Lokesh Sarma**

.....For the appellants

**Mr. Shounak Bhattacharya
Ms. Shreeyashri Sanyal**

.....For the respondent

We admit the appeal.

We are in a position to dispose of it today
on dispensation of all formalities.

There is a slight mistake in the impugned
order dated 20th January, 2023.

One part of it directs that the
respondent/defendant “will not interfere with the
possession of plaintiff’s shop room.”

According to the case of the
respondent/plaintiff in the plaint he claimed and
prayed for possession of the suit premises (paras
16 and 17).

Hence, according to him he is not in possession of the subject shop room. Therefore, we delete the above quoted part of the impugned order and request the learned court below to dispose of the interim application pending before it, as early as possible.

The part of the order directing status quo is retained by us.

The appeal and the connected application are disposed of.

(I. P. Mukerji,J.)

(Biswaroop Chowdhury,J)