

31.07.2023
Court No. 19
Item 1431
CP

C.O. 1333 of 2023

Vaibhav Agarwal & ors.

Vs.

Shyam Sundar Aggarwal

Mr. Shaunak Ghosh

Mr. Sourav Mondal

...for the Petitioners.

This court does not find it necessary to interfere with the order dated March 28, 2023, passed by the learned Judge, 6th Bench, Presidency Small Causes Court at Calcutta.

The petitioners submit that the occupational charges of Rs.5000/- per month along with current rent was way below the market rent, the property would fetch. It is submitted that on the principles laid down in Atma Ram Properties (P) Ltd. Vs. Federal Motors (P) Ltd., reported in (2005) 1 SCC 705, the market value of the property should be taken into consideration. It is submitted that a valuation statement has been obtained which would show that the market rent per month was close to Rs.43000/-.

This court is not in a position to take up the valuation statement, when the same was not a part of the records before the learned court below.

The petitioners may approach the learned court below seeking review of the order on the basis of the valuation statement, if permissible in law. If such application is filed, the same shall be disposed of independently and in accordance with law, upon giving opportunity to the judgment debtor to contest the same.

This court has not made any observation on the merits of the claim of the petitioners.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)