

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

S.A.T. 125 of 2021
With
CAN 1-2 of 2022

Mr. Tezeeb Singh
Vs.
Debu Kumar Shaw & Ors.

Mr. Ananta Lala

Mr. Animesh Das **For the Respondents.**

Re: CAN 1-2 of 2022

The suit for eviction of the appellant/tenant before the learned court below was founded on the alleged reasonable requirement of the respondents/landlords and the absence of a reasonably suitable accommodation for them. Both the learned courts below have ruled against the appellant.

Learned counsel for the appellant has tried to urge that substantial questions of law are involved in the impugned judgement and decree of the first appellant court.

We find that the same is based on appreciation of facts and evidence. No question of law far less any substantial question of law is involved in this intended second appeal.

S.D.

We condone the marginal delay in filing the appeal, holding that there was sufficient cause in not filing it within the stipulated time.

The department shall register the appeal.

At the same time we hold that since there is no substantial question of law, the appeal is not worthy of being admitted.

However, considering the very fair submission made by learned counsel for the appellant, we dispose of this appeal by granting the appellant time till 17th February, 2024 to vacate the subject premises. This order is subject to the following conditions:

- i. The appellant will continue to pay occupation charges at the rate of Rs.5000/- p.m. to the respondent/landlord by the 7th of each month in advance till he vacates the premises.
- ii. Provided these occupation charges are paid punctually the respondent/landlord will not take any steps to execute the decree till 17th February, 2024. In default of payment of any monthly occupation charges the respondent/landlord will be free to execute the decree forthwith
- iii. If the appellant does not vacate the premises by 17th February, 2024, on and from 18th February, 2024 the respondent/landlord shall be free to

execute the decree and will also be at liberty to move this court in contempt proceedings against the appellant.

The appeal (SAT 125 of 2021) is accordingly disposed of. The connected applications CAN 1 of 2022 and CAN 2 of 2022 are also disposed of.

(I.P. Mukerji, J.)

(Biswaroop Chowdhury, J.)

