

07-12-2023
Item no.11 CD
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
(Commercial Division)

FMA No.967 of 2023
Bundl Technologies Private Limited
-vs-
Sunflower Engineering Industries Private Limited
with
CAN No.1 of 2023

Mr. Ranjan Bachawat, sr. adv.
Mr. Shourjyo Mukherjee, adv.
Mr. Surojit Dasgupta, adv.
Mr. Vishwarup Acharyya, adv. ...for the appellant

Mr. Rohit Das, adv.
Ms. Kishwar Rahman, adv. ...for the respondent

After hearing learned counsel for the parties, we dispose of this appeal and the connected application by directing the respondent to immediately take vacant and peaceful possession of the subject property which the appellant and the receiver are to deliver to the respondent. The appellant shall create no impediment to the said delivery of possession to the respondent.

It is submitted on behalf of the appellant that the appellant had relinquished possession of the premises much earlier and could not be liable to pay any mesne profits or damages for wrongful occupation of the property beyond that date.

We leave that question open to be determined at the trial of the suit.

The impugned judgement and order dated 13th October 2023 passed by the learned court below is modified to this extent.

[I.P. Mukerji, J]

[Biswaroop Chowdhury, J]

