

01.05.2023
KC(11)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
(CIRCUIT BENCH AT JALPAIGURI)

C.O. 152 of 2022
Subhas Chandra Saha and Ors.
-versus-
Palash Kumar Dutta

Mr. Nripen Das,
Mr. Debanjan Das.....For the petitioners.

A supplementary affidavit filed in court is
taken on record.

None appears for the opposite party.

I have heard learned counsel for the petitioner
at length.

This application is by the landlord in a suit
between the parties whereby the petitioner/landlord
claimed and obtained a decree for eviction of the
defendant/opposite party herein.

At the time of execution of the said decree, the
learned court below by an order dated 14th
November, 2022 observed that due to pendency of
the second appeal it was unable to undertake the
execution process.

Subsequently the second appeal was dismissed
by this court on 20th March, 2023.

The tenant preferred a special leave petition
before the Supreme Court [SLP (C) 7463 of 2023]

which on 25th April, 2023 was disposed of by the following order:

“We see no reason to interfere with the concurrent findings recorded by the three courts. However, taking into consideration that the petitioner will have to make an alternate arrangements to shift from the premises, we grant time to the petitioner to vacate and hand over vacant possession till 31.12.2023 subject to the usual undertaking be filed in the Registry within four weeks from today.

The special leave petition is disposed of.”

I am of the view that there is nothing beyond Supreme Court order which this court can pass save and except that if the opposite party/tenant fails to hand over vacant possession of the subject premises by 31st December, 2023, the petitioner before this court will be at liberty to execute the decree forthwith through the learned court below which shall ensure that the execution process is carried out and completed within two months after expiry of 31st December, 2023.

This application (C.O. 152 of 2022) is disposed of.

(I.P. MUKERJI, J.)

