

OD-5

IA NO. GA/1/2023

In

AP/207/2023

IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
ORIGINAL SIDE

SRI SRI RADHA GOVINDA JEW ESTATE AND ORS.

Vs

JOYDEB SAHA AND ANR.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 8<sup>th</sup> August, 2023.

*Appearance:*

*Mr. Sakya Sen, Adv.*

*Mr. Megnad Dutta, Adv.*

*Mr. Sudhakar Prasad, Adv.*

*Mr. Om Narayan Rai, Adv.*

*Mr. I. B. Jha, Adv.*

*Mr. Goutam Roy, Adv.*

The Court:- The learned Special Officer's Report is on record. The Report has been filed in terms of an order dated 19<sup>th</sup> July, 2023 requesting that the Special Officer will check the condition of the owner's allocation as well as the status of any construction which the respondent no.1 may have made within the owner's allocation.

Learned counsel appearing for the petitioner says that nothing further remains in the application since the Report indicates the status of the owner's allocation as also the demarcation of it.

Learned counsel appearing for the respondents submits that the supplementary agreement, which forms the subject-matter of the dispute, is an

un-stamped and un-registered document which is required to be impounded under the Indian Stamp Act, 1899.

This Court is of the view that nothing further remains of the Section 9 application.

AP/207/2023 along with connected application are hence disposed of. It is, however, made clear that the point with regard to the un-stamped and un-registered supplementary agreement will be kept open if the parties come before the Court with an application for appointment of Arbitrator under Section 11 of the 1996 Act.

The respondents also shall not create any third party interest in respect of the owner's allocation.

(MOUSHUMI BHATTACHARYA, J.)