

16.07.2024.
Item Nos.1 & 2.
Court No. 13
ap

F.A. No. 289 of 2014
Sudip Ghosh
Versus
Prabir Sen & Ors.
With
F.A. No. 290 of 2014
Prabir Sen
Versus
Ranjit Sarkar & Ors.

Mr. Partha Pratim Roy,
Mr. Saikat Sen.

...For the appellant.

Mr. Chandradoy Roy.

...For the respondents.

1. The appellants in two appeals were the plaintiff in the two suits being Title Suit No. 230 of 2000 and Title Suit No. 220 of 2000 before the learned Civil Judge (Senior Division) 5th Court at Alipore.
2. Sudip Ghosh, the appellant in F.A. No. 289 of 2014, has suffered a decree for eviction and possession in the Court below. He is enjoying a conditional stay of execution of the decree on deposit of Rs.1,00,000/- in F.A. No. 289 of 2014.
3. F.A. No. 290 of 2014 has been filed the defendant, namely, Prabir Sen for mesne profit which has been declined in the Court below in Title Suit No. 220 of 2000.
4. The learned Counsels appearing on behalf of the respective parties submit that their clients have entered into a settlement whereby the appellant, Prabir Sen, in F.A. No. 290 of 2014 has agreed to sell

the property in question to Sudip Ghosh, the appellant in F.A. No. 289 of 2014 for a sum of Rs.12,50,000/-. Sudip Ghosh has paid Rs.12,50,000/- to Prabir Sen. The parties are in the process of registering a conveyance.

5. The parties have submitted that they do not wish to press the appeals as they have amicably settled the issues, the two appeals. F.A. No. 289 of 2014 and F.A. No. 290 of 2014 shall, therefore, stand dismissed as not pressed. All pending applications shall stand accordingly dismissed.

6. The written instructions of Prabir Sen and Sudip Ghosh addressed to their respective Advocates are kept with the record.

7. The sum of Rs.1,00,000/- that was deposited by Sudip Ghosh shall be returned to him by the Registry of this Court together with any accrued interest thereon from the date of deposit.

8. Let Lower Court's Records be sent back to the Court below.

9. The parties shall be at liberty to take back the original documents after filing copies of the same.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)