

Item-
15. 01-03-2024

sg Ct. 8

Sudip Das @ Bharat Das
Versus
Sree Sree Lakshmi Janardan Jew
represented by Sebait Ramen Mukherjee

Mr. Asit Baran Raut, Adv.
Mr. Asit Kr. Chowdhury, Adv.
Mr. Tuhin Subhra Raut, Adv.
...for the appellant
Mr. Citta Ranjan Chakraborty, Adv.
Mr. Sumit Banerjee, Adv.
Ms. Puspa Rani Jaiswara, Adv.
Mr. Abhijit Roy, Adv.
...for the respondent

1. We have heard the learned Counsel for the parties.
2. The appellant was inducted by one of the co-trustees without the consent of the other trustees. In fact, the appellant has failed to establish the relationship of landlord and tenant. He appears to be in permissible occupation. The appellant also could not produce any rent receipt from which it could be established that the Trust has accepted and recognized the appellant as tenant.
3. In view of the fact that the creation of tenancy was not established and that he was a mere licensee, we feel that the learned Trial Court was justified in decreeing the suit.
4. In course of hearing, Mr. Asit Baran Raut, the learned Counsel representing the State submits that some time may be given to the appellant to find out an alternative accommodation.
5. On a sympathetic consideration and having regard to the fact that such prayer being not opposed by the plaintiff, we permit the time to continue in occupation of the suit premises

till 31st December, 2024 upon payment of occupational charges at the rate of Rs.2000/- per month payable on and from March, 2024. The occupational charge for the month of March, 2024 shall be paid by 10th March, 2024 and for all future months, by the 10th of each succeeding month. In default, the decree shall be executable. The amount shall be paid to Mr. Ramen Mukherjee, who shall accept the same amount on behalf of the plaintiff upon issuing proper rent receipt.

6. The sum of Rs.1,00,000/- deposited at the time of admission of the appeal along with interest shall be appropriated by the plaintiff/decreed-holder towards mesne profits and arrear rents and no further amount shall be payable on account of the arrear rents and mesne profits subject to the appellant complying with the other directions, namely, payment of occupational charges month by month till December 2024.
7. The learned Registrar General shall prematurely encash the fixed deposit and remit the amount by a cheque or to the designated bank amount of the plaintiff/decreed-holder along with interest within a period of two weeks from the date of communication of this order. In the event the plaintiff wants the amount to be transferred by RTGS or NEFT, the bank details shall be furnished along with a copy of this order to the learned Registrar General.
8. The appeal stands disposed of. However, there shall be no order as to costs.
9. In the event, the property is not vacated on or before 31st December, 2024, the plaintiff shall be entitled to mesne

profits and shall initiate proceeding for eviction of the appellant in accordance with law.

10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)