

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Gaurang Kanth

***MAT 1452 of 2024
(CAN 1 of 2024)***

***Mahadev Biswas
-Vs-
State of West Bengal & Ors.***

For the Appellant	:	Mr. Krishnendu Banerjee, Adv., Md. Idrish, Adv.
For the Respondent Nos.2, 3 & 4	:	Mr. Srijan Nayak, Adv., Mr. Ankit Sureka, Adv., Mr. Asis Dutta, Adv.
For the Respondent Nos.6.	:	Mr. Devesh Srivastava, Adv.
For the State	:	Mr. Sanatan Kr. Mitra, Sr. Govt. Adv., Mr. Subhabrata Das, Adv.
Heard on	:	24.09.2024
Judgment on	:	24.09.2024

Joymalya Bagchi, J. :-

1. Appellant has assailed an interim order whereby he was directed to deposit a sum of Rs.3 lakhs with the Registrar General as a condition for registration of the conveyance in his favour.

2. Learned Advocate for the appellant contends condition is unconscionable as the Hon'ble Judge had observed in the impugned order that the registration cannot be withheld as the consideration sum in terms of the allotment letter had been paid. Registration could not be withheld even it is assumed incidental charges are outstanding.
3. Learned Advocate for the respondent authorities submits matter is still pending consideration before the Hon'ble Single Bench.
4. We have considered the materials on record. The order impugned is a discretionary one whereby the final relief viz., registration of the sale deed in favour of the appellant was allowed at the interim stage on condition of deposit of Rs.3 lakhs. Hon'ble Judge observed that the said condition was imposed to test the *bona fides* of the appellant.
5. We are of the opinion discretion exercised by the Hon'ble Judge cannot be said to be arbitrary or unjust. At this stage, learned Advocate submits some time may be given to comply with the order.
6. Appellant shall deposit the said sum of Rs.3 lakhs positively by 8th October, 2024 before the learned Registrar General of this Court and upon deposit being made, respondent Co-operative Society shall carry out all formalities and register the conveyance deed by 30th October, 2024.
7. All issues are kept open.

8. With this direction, appeal and the connected application are disposed of.
9. There shall be no order as to costs.
10. Photostat certified copy of this judgment, if applied for, be given to the parties on compliance of all formalities.

I agree.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

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