

17th December,
2024
(AK)
05

F.A.T 372 of 2024

Purnima Mondal
Vs.
Bijit Behari Shaw

Mr. Tarapada Das

...for the appellant.

Ms. Labanyasree Sinha
Ms. Somali Bhattacharya
Ms. Suchismita Datta

...for the respondent.

1. By an order dated December 5, 2024, it was recorded that the appellant had submitted that the appellant would furnish an undertaking in writing, supported by an affidavit, categorically stating that the appellant shall hand over vacant, peaceful and unencumbered possession of the suit premises to the respondent and/or any duly authorized agent of the respondent on or before March 31, 2025.
2. CAN 2 of 2024 was disposed of in the light of such submission.
3. Today, when the matter was called on for hearing, an affidavit of undertaking is filed by the appellant to that effect.
4. Learned Advocate for the respondent submits that the respondent has no objection to such undertaking.

5. Upon a perusal of the undertaking, we are satisfied that the same is in compliance with the order dated December 5, 2024.
6. Accordingly, FAT 372 of 2024 is disposed of without interfering with the impugned judgment and decree by taking on record the said undertaking.
7. The undertaking be treated to be a part of the records.
8. Accordingly, the connected execution case shall remain stayed till March 31, 2025.
9. The appellant, in terms of the undertaking, shall hand over vacant, peaceful and unencumbered possession of the decretal premises to the respondent and/or the respondent's authorized agent on or before March 31, 2025.
10. It is made clear that in the event such undertaking is not honoured by the appellant, it will be open to the respondent to immediately proceed with the execution case and if so done, the executing court shall expedite the matter to the utmost.
11. Over and above, it will also be open to the respondent in such case to bring the matter to the notice of this court by filing an appropriate application for contempt.

(Sabyasachi Bhattacharyya, J.)

(Partha Sarathi Sen, J.)