

15. 20.08.2025
Court No.16.

(Pritam)

FMA 478 of 2025

Sunil Kr. Manna.
-Vs.-
Deen Dayal Rai.

Mr. Dipta Dipak Banerjee,
Mr. Joydeep Das.

.....for the appellant.

1. The learned counsel for the appellant submits that the premises is required for building and rebuilding and for that purpose, the tenants are required to be temporarily vacated and to be rehabilitated after the new building is constructed.
2. However, we do find any reflection of such submission in the written objection, although it was mentioned that the KMC has served notice upon the owner/plaintiff declaring the building as “dangerous”.
3. In the facts and circumstances of the case, we do not find any reason to interfere with the order passed by the learned trial judge. However, we give liberty to the appellant to make suitable amendment in its written statement and take out an appropriate application to bring on record such facts in detail with an undertaking that in the newly constructed building, the plaintiff shall be rehabilitated. The learned trial court may decide such application in accordance with law after giving an opportunity of hearing to the parties.

4. The Appeal being FMA 478 of 2025 is disposed of accordingly.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)