

31<sup>st</sup> July, 2025

Item no.DL 14  
Court No. 16

Asraf, A.R.(Ct.)

**In the High Court at Calcutta**  
**Civil Appellate Jurisdiction**  
**Appellate Side**

Case No. **FAT 132 of 2013**

*In the matter of :*

**SAMAR BANERJEE**

*.... Appellant*

**VS.**

**AIR INDIA LTD.**  
**(previously known as Indian Airlines Ltd.)**

*....Respondent*

***For the Appellant :***

Mr. Samar Banerjee (in-person)

***For the Respondent :***

Ms. Sharmistha Ghosh

Ms. Shohini Chakraborty

Mr. Amit Ghosh

*....Advocates*

1. There is admission during evidence that the plaintiff has rendered professional service for which a sum of Rs.2.16 lakhs is due and payable.
2. We have heard the appellant who is appearing in person and the learned counsel appearing on behalf of the respondent.
3. Learned Trial Judge seems to have overlooked the admission in the evidence and the fact that the plaintiff has rendered his professional service not gratuitously and is entitled to the said sum of Rs.2.16 lakhs.
4. It appears that during cross-examination of DW 1, Kamal Chowdhury, the said witness has

categorically stated that the plaintiff was assigned the job to do survey of “another 216 flats situated at 21, Mall Road”. The said witness has also admitted his handwriting at page no.67 of Exhibit - 9. The Exhibit - 9 shows that the survey was carried out in presence of the officials of the Air India.

5. In view of such evidence which seems to have overlooked by the learned Trial Judge, the defendant / opposite party could not have denied professional fees of the plaintiff of Rs.2.16 lakhs. The plaintiff having carried out the said work not gratuitously and at the instance of the defendant is entitled in law to receive his remuneration.
6. On such consideration, we set aside the decree impugned.
7. There shall be a decree for a sum of Rs.2.16 lakhs for the additional work admitted to have been carried out by the plaintiff on the request of the defendant and in presence of the officials of the defendant.
8. The plaintiff shall also be entitled to interest on the said sum of Rs.2.16 lakhs from the date of institution of the suit till actual payment at the rate of 7 per cent per annum (simple).

9. The Department is directed to draw the decree as expeditiously as possible.
10. The appeal stands **allowed**.
11. Accordingly, FAT 132 of 2013 is disposed of.
12. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble High Court.
13. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

( Soumen Sen, J. )

(Apurba Sinha Ray, J.)