

26.08.2025
Item No.06.
Court No.06.
S. De
265719

C.O. 2861 of 2025

Sutanu Chakraborty.
Vs
Bata India Limited.

Mr. Rajarshi Dutta,
Mr. Sayantan Bose,
Ms. Dakshayani Basu, ...for the petitioner.

Mr. Gourav Purkayastha,
Ms. Atasi Sarkar,
Ms. Samarpita Mukherjee,
...for the Opposite Party.

Affidavit-of-service filed in Court today, be kept
with the records.

This application under Article 227 of the
Constitution of India is at the instance of the plaintiff
and is directed against an order dated July 3, 2025,
passed by the learned Judge, Commercial Court at
Alipore, in Title Suit No.35 of 2020 which has been
renumbered as Title Suit (COM) No. 18 of 2020.

By the order impugned, the learned Trial Judge,
without passing any direction on the application filed
by the defendant/opposite party herein to hand over
possession directed the parties to take necessary steps
in accordance with law. By the said order, the
defendant/opposite party herein was also directed to
pay occupational charges at once according to Order
no. 39 dated January 28, 2025 passed by the learned

Judge, Commercial Court at Alipore, South 24-Parganas.

Mr. Dutta, learned advocate appearing for the petitioner submits that in spite of the fact that the opposite party was ready and willing to hand over possession of the suit property, the learned Judge of the Commercial Court did not allow such prayer.

The learned advocate appearing for the opposite party, on instruction, submits that they are ready and willing to hand over possession of the suit property in favour of the petitioner herein within a period of two weeks from date. Such submission of the learned advocate for the opposite party is placed on record.

As jointly suggested by the learned advocates for the respective parties, the date for handing over peaceful, vacant and khas possession of the suit property by the opposite party in favour of the petitioner herein is fixed on September 10, 2025 at about 11:00 A.M.

The parties as well as their authorized representatives shall remain present at the suit property on the date and time mentioned hereinbefore for handing over and taking over peaceful, vacant and khas possession of the suit property. The petitioner shall issue an acknowledgement in favour of the opposite party as a token of acceptance of peaceful,

vacant and khas possession of the suit property from the opposite party.

With the above observation, C.O. No.2861 of 2025 stands disposed of.

It is, however, made clear that this Court has not gone into the other issues including the issue of payment of occupational charges and the learned Judge, Commercial Court at Alipore shall be free to decide the same in accordance with law after giving an opportunity of hearing to the respective parties.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Hiranmay Bhattacharyya, J.)