

04.09.2025
SL No.16
Court No.16
(gc)

SAT 188 of 2025
CAN 1 of 2025

Niranjan Biswas
Vs.
Suma Shaw & Ors.

Mr. Bijoy Adhikary,
Mr. Supriyo Ghosh,
Ms. Susmita Adhikary
...for the Appellant.

Mr. Aniruddha Chatterjee, Sr. Adv.,
Mr. Kushal Chatterjee,
Mr. Subhasis Chakraborty,
Mr. Amit Chowdhury,
Ms. Sushmita Kumari Singh
...for the Respondents.

1. The report filed by the Special Officers is taken on record.
2. The appellant is personally present in Court and we have also interacted with him.
3. It appears that the appellant is in possession of two rooms. One in the ground floor and other in the first floor. The first floor room is described as Room No. F 1/2. The width of the room East-West direction is 9ft. and length of the room North-South is 13 ft. from inside wall to wall meaning thereby the carpet area. The carpet area of the said room is approximately 117 sq.ft. Insofar as the ground floor is concerned, the measurement of the room East-West appears to be 9.1 ft. and North-South is 12.6 ft. and the carpet area approximately is 114.66 sq.ft.

4. The measurement was done by Mr. Amit Chowdhury, one of the Special Officers in presence of Mr. Subir Chowdhury, Surveyor. All the measurements are on the wall to wall basis which appears to be the correct measurement which can give an idea with regard to the carpet area presently in occupation of the appellant.
5. Mr. Aniruddha Chatterjee, learned Senior Counsel appearing on behalf of the decree-holder has submitted that the respondents would provide the appellant 340 sq. ft. super built-up area either in the first floor or in the ground floor as per the choice of the appellant to be indicated in writing to the Advocate-on-record of the respondents within one week from date, otherwise it would be left to the choice of the respondents to provide either the ground floor or the first floor compact area of 340 sq.ft. super built-up area.
6. The Advocate-on-record for the appellant shall also indicate the choice of place where the appellant would like to reside so that necessary steps shall be taken for the rent free accommodation by the decree-holder to the appellant till such construction is completed.
7. The judgment and decree shall stand modified to the aforesaid extent.

8. The learned Counsel for the appellant has assured that all cooperation would be rendered to the respondents in carrying out this order.
9. We make it clear that the amount of rent in the newly constructed building would be remained the same with the existing facilities.
10. This decree takes care of the disputes between the parties including the Ejectment Suit No.280 of 2017 pending before the learned 5th Bench, Presidency Small Causes Court, Calcutta.
11. The remuneration of Ms. Susmita Adhikary, Special Officer is handed over to her in Court today.
12. The aforesaid order is passed in presence of the appellant who has been apprised of all facts and he has also agreed to accept the accommodation as proposed by the decree-holder.
13. Accordingly, the appeal and the application are disposed of.
14. However, there shall be no order as to costs.
15. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)