

D/L- 2
11/09/2025
Ct. No.-6
Aritra

C.O. 3168 of 2025

Shri Rampada Biswas
Vs.
Smt. Swapna Dey & Ors.

Mr. Kushal Chatterjee
Mr. Oishik Chattejee

....for the petitioner

Mr. Shyamal Chakraborty
Mr. Debajyoti Mondal
Mr. Swastik Polley
Mr. Achintya Mukherjee

....for the opposite parties

Pursuant to the order dated August 28, 2025, the petitioner filed an affidavit-of-undertaking affirmed on September 4, 2025, which was taken on record on September 9, 2025.

Today, when this matter was initially taken up for hearing, Mr. Chakraborty, learned advocate appearing for the opposite party drew the attention of this Court to the statement made in paragraph 4A of the affidavit-of-undertaking affirmed on September 4, 2025 and contended that the same is not inconsonance with the directions contained in the order dated August 28, 2025.

Faced with such situation, Mr. Chatterjee, learned advocate appearing for the petitioner prayed for leave to file a fresh affidavit-of-undertaking in course of this day. The matter was directed to be taken up at 1.10 p.m.

When this matter was taken up for hearing, Mr. Chatterjee, learned advocate appearing for the petitioner

files an affidavit-of-undertaking affirmed on September 11, 2025. A copy of such affidavit has been duly served upon Mr. Chakraborty, learned advocate for the opposite party.

Mr. Chakraborty drew the attention of this Court to the statements made in paragraph 4A of the affidavit affirmed on September 11, 2025 and contended that the petitioner has intentionally avoided to insert the word 'khas' before the words 'peaceful possession'.

Mr. Chatterjee prays for leave to insert the word 'khas' before the words 'peaceful possession' in paragraph 4A of the affidavit and to re-affirm the said affidavit in course of this day and file the same.

It is not in dispute that the sum of Rs.30,000/- pursuant to the order passed on August 28, 2025 has been duly transferred to the bank account of the opposite party No.2.

In view thereof, CO 3168 of 2025 accordingly stands disposed of by giving liberty to the petitioner to file the re-affirmed affidavit-of-undertaking in course of this day.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)