

Ct. No.4 D/L-6 18.03.2025
(Naba)

**F.A.T. 407 of 2023
With
CAN 2 of 2025**

**Rumpa Ghosh
Vs.
International Service Centre & Anr.**

Mr. Ritzu Ghoshal, Sr. Adv.,
Mr. Paritosh Sinha,
Mr. Amitava Mitra,
Mr. Aninda Bhattacharya,
Mr. Naman Agarwal

...for the Appellants

Mr. Jahar Chakraborty,
Mr. Kaustav Chandra Das,
Mrs. Sabita Mukherjee Roy Chowdhury

...for the Respondents

Re: C.A.N. 2 of 2025

1. An application has been filed for modification of the order dated 20th August, 2024 passed in the present proceedings.
2. After passing of the said order, the decree holder has approached the Trial Court with a prayer that the Court should proceed further under Order 20 Rule 12 of the C.P.C. till final decision of this Court in F.A.T. No. 407 of 2023 wherein the interim order dated 20.08.2024 was passed.
3. When the matter is taken up, it is pointed out by the learned counsel for the applicants that paragraph 14.4) of the order needs to be clarified so as to enable the Trial Court to proceed further

with the application under Order 20 Rule 12 C.P.C.

4. The paragraph reads as follows:

“14.4) The respondents are permitted to move an application under Order 20 Rule 12 of the Code of Civil Procedure or to pursue such remedy as may be available to them under the law for determination and recovery of the mesne profits which they would be entitled to recover from the appellants for the period between the date of institution of suit till the date of recovery of possession at the rate determined by the Trial Court in the event of the appeal being dismissed.”

5. We find that paragraph 14.4) is clear in its intent that it permits the decree holder to avail remedy for determination and recovery of mesne profits for a specified period and at specified rate, in the event the appeal is dismissed.
6. We find that no clarification or modification of the same is required.
7. The application is accordingly dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)