

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/110/2024
WITH EOS/32/1987

AARCEE BUILDERS PVT LTD
VS
ARATI ADDY AND ORS.

WITH

APOT/125/2024
IA NO. GA/1/2024

AARCEE BUILDERS PVT LTD
VS
SMT. ARATI ADDY AND ORS.

BEFORE:
THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA
AND
THE HON'BLE JUSTICE UDAY KUMAR
Date: 12th February, 2025.

APPEARANCE:

Mr. Dhruba Ghosh, Sr. Adv.
Mr. Soumen Das, Adv.
...for the appellant.

Mr. Sakya Sen, Sr. Adv.
Mr. Arindam Paul, Adv.
Mr. Meghnath Dutta, Adv.
Ms. Puja Rajbhor, Adv.
Mr. Sourjit Dasgupta, Adv.
Mr. Vishwarup Acharyya, Adv.
Mr. Akash Dutta, Adv.
...for the respondents.

The Court: Heard learned senior counsel appearing for the intervener.

The affidavit filed today, containing the terms of settlement between the parties in respect of prayers (c), (d), (e) and (f) in the Notice of Motion before the Court below, is kept on record.

In terms of the submissions of the parties, we dispose of both the appeals i.e. APO/110/2024 and APOT/125/2024 in terms of the following directions:

A. The reliefs as sought in prayers (a), (b) and (c) in the Notice of Motion before the Court below, which are set out below, are hereby granted subject to the appellant providing separate sewerage and water connection for the respondent no. 3 Priya Dutta;

***a)**Ld. Receiver may be directed to instruct M/s. Talbot & Co., for physically demarcating 5069 sq. ft or 7 Catha 0 Chittacks 29 sq. ft. in premises No. 84 Rakhal Das Addy Road as per their report accepted by the Hon'ble Supreme Court;*

***b)**The Ld. Receiver may be directed to appoint a contractor to build boundary wall at petitioner's cost for the portion demarcated by M/s. Talbot & Co., in premises No. 84 Rakhal Das Addy Road under supervision of the Ld. Receiver;*

***c)**Beneficiaries of estate of BepinBehari Addy may be directed to surrender their possession in premises No. 84 Rakhal Das Addy Road to the petitioner in lieu of the portion demarcated and walled up in premises No. 84 Rakhal Das Addy Road;"*

B. Insofar as reliefs (d), (e) and (f) are concerned, in view of the agreement arrived at between the parties, as reflected in terms of settlement filed today, the appeals are disposed of in terms of clauses of the said terms of settlement, which are made a part of the present order.

C. Needless to say, the appellant shall exercise due care and caution at the time of demolition of the building in terms of the settlement between the parties, falling in the portion of the developers, so that

the portion of respondent no. 3 Priya Dutta of the building is not affected or damaged in any manner.

D. No order as to costs.

E. The above demolition and construction work, including providing separate sewerage and water connection for the respondent no. 3 Priya Dutta, shall be done under the aegis of the Receiver already appointed by the Court.

It will be open to the learned Receiver to approach the concerned police station for adequate police assistance in the event of any obstruction from any quarter. If so approached, the Officer-in-Charge/Inspector-in-Charge of the said police station shall grant adequate assistance to the learned Receiver for the said purpose by acting on a server copy of this order, coupled with the written communication by the learned Advocate(s) for both or either of the parties.

GA/1/2024 filed in connection with APOT/125/2024 is also disposed of in the light of the above observations.

(SABYASACHI BHATTACHARYYA, J.)

(UDAY KUMAR, J.)