

OD-2

**IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
ORIGINAL SIDE**

**BEFORE:  
THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA  
-AND-  
THE HON'BLE JUSTICE SUPRATIM BHATTACHARYA**

**APDT/6/2026  
IA No. GA/1/2026**

**NAND LAL RATHI  
-VS-  
M/S. A. T. GOOYEE ENTERPRISES AND ORS**

|                    |   |                                                                                                                                                   |
|--------------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------|
| For the appellant  | : | Mr. Siddhartha Lahiri, Adv.,<br>Mr. Shashwat Nayak, Adv.,<br>Mr. Sumit Biswas, Adv.,<br>Mr. Debdas Dutta, Adv.                                    |
| For the respondent | : | Mr. Surajit Nath Mitra, Sr. Adv.<br>Mr. Jayjit Ganguly, Adv.<br>Mr. Pradip Sancheti, Adv.<br>Mr. Rudrajit Sarkar, Adv.<br>Ms. Vansika Newar, Adv. |
| Heard on           | : | 25.03.2026                                                                                                                                        |
| Judgment on        | : | 25.03.2026                                                                                                                                        |

**Sabyasachi Bhattacharyya, J.:**

1. Upon hearing learned counsel for the parties, we find sufficient explanation for the delay having been furnished. Accordingly, the delay in preferring the appeal is condoned.
2. In view of the dismissal of APDT/4/2026 by the earlier judgment passed today, upholding the eviction decree against the appellant, the present appeal fails due to its limited ambit.

3. It may be noted here that two suits were filed by the parties respectively. Whereas the respondent filed a suit for eviction of the appellant, the appellant filed a suit for declaration of its tenancy rights as well as permanent injunction. By the portion of the judgment impugned in the present appeal, i.e. APDT/6/2026, the learned Single Judge, although declaring the tenancy of the appellant, refused to grant permanent injunction.
4. Since we have already affirmed the eviction decree against the appellant in the earlier appeal, there is no scope of grant of any permanent injunction in any event. Even otherwise, the outcome of this appeal was dependent upon the fate of the other and as such, in view of dismissal of APDT/4/2026, nothing remains in the present appeal. Accordingly, APDT/6/2026 is dismissed on contest, thereby affirming the impugned judgment and decree dated August 25, 2025 passed in EOS/1/2010.
5. IA No. GA/1/2026 filed in connection therewith stands disposed of accordingly.
6. No order as to costs.

**(SABYASACHI BHATTACHARYYA, J.)**

I Agree.

**(SUPRATIM BHATTACHARYA, J.)**