

26.09.2025
Item Nos.1-3
Ct. No.01
Saikat

FAT/302/2020
[Assigned]
with
IA NO: CAN/5/2021
with
CAN/6/2025
SANTOSH KUMAR SIL
VS
SARAT CHANDRA SIL
with
COT/1/2021
SARAT CHANDRA SIL
VS
SANTOSH KUMAR SIL
with
FAT/303/2020
SANTOSH KUMAR SIL
VS
SARAT CHANDRA SIL

Mr. Haradhan Banerjee, Sr. Adv.

...For the Appellant

Mr. Sukanta Chakraborty, Adv.
Mr. Amal Sahay, Adv.
Mr. Anindya Halder, Adv.

...For the Respondent
[in FAT/302/2020 & COT/1/2021]

In Re: CAN 5 of 2021 in FAT 302 of 2020

1. This is an application for additional evidence at the appellate stage.
2. This application shall be heard along with the appeal.
3. Paper books have already been filed.

In Re: CAN 6 of 2025 in FAT 302 of 2020

4. This is an application for injunction restraining the opposite party-respondent from transferring, encumbering and parting with the suit property to any third party till the disposal of the appeal.

5. This application is filed on 12th February, 2025, at the time of deciding the application for stay of operation of decree, we directed the appellant to deposit the arrear occupational charges along with the occupational charges that we have determined. We have also further directed that the appellant would bear 50% of municipal rates. The order was passed on 5th February, 2021. Admittedly, the appellant did not comply with the aforesaid order even the arrear occupational charges of Rs.15,000/- was not paid.
 6. On such consideration, we are not inclined to allow the application. Accordingly, CAN 6 of 2025 stands dismissed.
 7. However, there shall be no order as to costs.
- In Re: FAT 302 of 2020 with COT/1/2021 with
FAT 303 of 2020**
8. In view of the fact that the special messenger cost for bringing the TCR had already been deposited by the appellant, we direct that TCR to be brought within one week after reopening of the Court.
 9. While sending the TCR, the learned trial court is requested to ensure that it is complete in all respect and free from defects.
 10. Upon arrival of the TCR, appropriate notice be served upon the learned advocate-on-record for the appellant.
 11. A supplementary paper book may be filed incorporating any document that may be inadvertently left out.

12. Supplementary paper book, if any filed, shall be supplied to the learned advocate-on-record to the respondent.
13. We record that earlier calling for TCR was dispensed with on the prayer of the parties in view of COVID situation. However, as the paper books have already been filed by the appellant in the meantime and since a prayer is made that the TCR is required for the purpose of deciding the appeal, we pass the aforesaid direction.
14. The matter shall be listed along with the application in the Monthly Combined List of December, 2025, under the heading 'Hearing'.

[SOUMEN SEN, C.J.(ACTING)]

(APURBA SINHA RAY, J.)