

Item-5.	19-05-2023	FA 296 of 2001 CAN 5 of 2010 (old CAN 7516 of 2010) CAN 7 of 2023
sg	Ct. 8	Sakti Ranjan Misra, since deceased, represented by legal representatives, namely, Manika Misra & Ors. Vs. Bharat Sevashram Sangha Mr. Ariruddha Chatterjee, Adv. Mr. Sounak Bhattacharya, Adv. Mr. Sumitava Chakraborty, Adv. ... For respondent nos. 2&3

The applicant is a subsequent transferee of the interest of Bharat Sevashram Sangha against whom a suit for specific performance filed by the appellants was decreed and the said decree is under challenge.

CAN 7 of 2023 is an application filed by the subsequent transferee for undertaking certain repairing works as mentioned in paragraph 10 of the petition. The schedule mentioned in paragraph 13 describes the nature of works to be undertaken if permitted.

This application is necessitated by reason of an interim order passed at the time of admission of the appeal where the present applicant, amongst others, was restrained by an order of injunction from transferring and/or altering and/or encumbering and/or dealing with the suit property in any manner whatsoever without the leave of the Court.

The applicant submits that the applicant is in possession of a unit consisting of three bedrooms, two bathrooms, one drawing room-cum-kitchen and one verandah. The description of the work mentioned in paragraph 10 read with the schedule gives an impression that it is essential for repairing and to change the present

lavatory.

The said repairing and replacement of the Indian Style Lavatory is allowed.

We make it clear that no further construction and/or alteration shall be made.

In spite of service, the plaintiffs/appellants are not represented. An affidavit of service shall be filed in court of the day.

Since the appellants are not represented, a copy of this order shall be communicated to the appellants for information.

CAN 7 of 2023 is disposed of.

The appeal shall be listed along with CAN 5 of 2010 (old CAN 7516 of 2010) in the monthly combined list of July, 2023.

The appellants shall, in the meantime, prepare requisite numbers of paper books.

(Uday Kumar, J.)

(Soumen Sen, J.)