

6 19.12.2022

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

**S.A.T. 137 of 2022
With
CAN 1 of 2022
With
CAN 2 of 2022**

**Dr. Aroon Kumar Chatterjee
Vs.
Partha Sarathi Banerjee and Ors.**

**Mr. Abhrajit Mitra, Sr. Advocate
Mr. Suddhasatva Banerjee
Mr. Anuraag Mitra
Mr. S. Ray ... For the Appellant.**

**Mr. Kushal Chatterjee
Mr. S. Mitra
Mr. Shibjit Mitra ... For the Respondent no. 1.**

**Mr. Amitesh Banerjee
Ms. I. Banerjee ... For the State.**

Re: CAN 1 of 2022

There is a marginal delay in preferring the appeal. The delay is 56 days.

Sufficient cause has been shown. We condone the delay and admit the appeal.

The application for condonation of delay CAN 1 of 2022 is allowed.

Re: SAT 137 of 2022

S.D.

We admit this second appeal on the following substantial question of law:-

Whether the learned first appellate court erred in law in taking into account future requirement of the

plaintiffs/respondents in determining whether they reasonably required the subject premises?

We expedite the hearing of the appeal dispensing with all formalities.

As the respondents are represented by learned counsel, we dispense with issuance and service of the notice of appeal.

Transmission of the lower court records is dispensed with. We may call for it at the time of hearing of this appeal, if required.

Advocate on record for the appellant shall prepare and file informal paper books in this court by 21st January, 2023. At least one copy of the paper book should be served by the advocate on record for the appellants on the respondents' advocate on record not later than seven days before hearing of the appeal.

List the appeal for hearing on 2nd February, 2023.

Re: **CAN 2 of 2022**

The respondents/plaintiffs/deed holders have already obtained possession of the subject premises. The application CAN 2 of 2022 is disposed of by recording the above and observing that in the event the appellant succeeds in this appeal, his remedy would be in restitution.

Let a copy of this order be affixed on a conspicuous part of the property.

(I.P. Mukerji, J.)

(Biswaroop Chowdhury, J.)

