

**FAT 285 of 2020
with
CAN 1 of 2020**

Hafiza Begum & Anr.

- Versus -

Supriya Chowdhury Sarcar @ Supriya Sarcar

(Through Video Conference)

**Mr. Aniruddha Chatterjee
Mr. Rahul Karmakar
Ms. Sudeshna Basu Thakur**

.....For the appellants

**Mr. Saptangsu Basu
Mr. Susandip Pathak
Mr. Arnab Mukherjee**

.....For the respondent

The appeal and the application have been assigned to the Bench presided over by one of us (Soumen Sen, J.).

The appeal is arising out of a decree passed in a suit for declaration, injunction and cancellation of a deed.

The learned 5th Court, Alipore allowed and decreed the suit in favour of the plaintiff. The plaintiff is entitled to the cost of the suit along with realistic costs of Rs.8.25 lakhs which she had actually suffered during the pendency of the suit for illegal occupation of the suit property of the defendant.

Under such circumstances, the appellants upon depositing a sum of Rs.8.25 lakhs with the learned Registrar General within one week from date shall be entitled to a stay of operation of the decree till disposal of the appeal, failing which the decree shall revive and

further, there is an unconditional stay of operation of the decree for a period of one week from date.

Similarly, even the cost is deposited within ten days from date, the plaintiff/decreed-holder shall also not be entitled to alienate the property in any manner whatsoever during the pendency of the appeal.

The parties are restraining from creating any third party interest during the pendency of the appeal.

CAN 1 of 2020 is disposed of.

Service of notice of appeal is waived by Mr. Arnab Mukherjee.

The possession of the parties in the suit as on date shall not be disturbed.

Let the hearing of the appeal be expedited.

The respondents have already entered appearance through their learned advocates. Therefore, the appeal becomes ready as regards service in view of appearance.

Let the lower court's records be called for through a special messenger at the cost of the appellants and such cost is to be put in by Monday next.

Immediately, after arrival of the lower court's records, office shall examine the same and shall issue notice of arrival of lower court's records on the learned counsel for the appellants.

The appellants are directed to prepare and file requisite number of paper books – printed, typewritten or cyclostyled, as the case may be – out of Court, within a period of two months from the date of service of notice of

arrival of lower court's records on the learned counsel for the appellants.

All formalities regarding preparation of paper book are dispensed with, but, the learned counsel for the appellants are directed to incorporate all the relevant documents in the informal paper book.

In the meantime, the interest of the appellants as well as the plaintiff is required to be protected.

The matter shall be listed after the appeal is made ready for hearing.

(Subhasis Dasgupta, J.)

(Soumen Sen, J.)