

ORDER SHEET
APO/33/2025
WITH
CS/36/2021

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

SRI SRI LAKSHMI THAKURANI
VS
PROMOD KUMAR AGARWAL AND ANR

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE
AND

The Hon'ble JUSTICE RAI CHATTOPADHYAY
Date : 7th July, 2025.

Appearance:

Mr. Meghnath Dutta, Adv.
Mr. Lalratan Mondal, Adv.
..for the appellant

Mr. Sudip Deb, Sr. Adv.
Ms. Ipsita Ghosh, Adv.
..for the respondents

Dictated by Arijit Banerjee, J.

The Court: This appeal was dismissed on June 11, 2025. After dismissing the appeal, this Court had recorded the following:

“After this order is dictated, Mr. Dutta says that the defendants are enjoying the suit property without paying anything for a long time. We direct the defendants to deposit with the Registrar, Original Side, without prejudice to the rights and contentions of the parties, the rent/occupational charges at the rate last paid for the period for which the same remains unpaid, within three weeks from date. In case the same is not done, the appellant will be at liberty to mention the matter before us.

This matter shall be listed again three weeks hence only to record compliance of this order by the respondents.”

Accordingly, the matter has been listed today under the heading “To Be Mentioned”.

Mr. Deb, learned Senior Counsel appearing for the respondents, has filed a supplementary affidavit showing that his clients have been depositing rent/occupational charge in respect of the suit premises with the Rent Controller since January, 2021 after, according to the respondents, the appellant refused to accept rent/occupational charge. It is stated that till the month of May, 2025, rent/occupational charge has been deposited with the Rent Controller.

The appellant will be at liberty to withdraw the amount that is lying with the Rent Controller without prejudice to the appellant’s rights and contentions in these proceedings. Further, it will be open to the appellant to receive monthly occupational charges in respect of the suit premises from the respondents herein till disposal of the suit, without prejudice to the appellant’s rights and contentions in the suit and all proceedings connected therewith. In the event, the appellant/plaintiff refuses to accept such occupational charges, the defendants will be at liberty to deposit the same with the Rent Controller.

If the appellant/plaintiff applies to the Rent Controller for withdrawal of the amount lying deposited on the aforesaid account, the Rent Controller shall forthwith permit such withdrawal and in any event within two weeks from the date of receipt of the request from the appellant.

(ARIJIT BANERJEE, J.)

(RAI CHATTOPADHYAY, J.)