

OD – 30 & 31

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CS/90/2019
SIPRA MITRA AND ORS
VS
MANJU DEVI CHOWDHURY
WITH
EOS/5/2020
MANJU DEVI CHOWDHARY
VS
AMAR NATH MITRA AND ORS

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date: 6th February, 2026

Appearance:

Mr. D. N. Chunder, Adv.

Mr. Altamas Alim, Adv.

...for the Plaintiffs in CS/90/2019
& for the Defendants in EOS/5/2020

Mr. Ramesh Chandra Pal, Adv.

...for the Defendants in CS/90/2019
& for the Plaintiffs in EOS/5/2020

The Court: In EOS 5 of 2020, Mr. Pal the Learned Counsel appearing for the Plaintiffs craves leave to file appropriate application for amendment.

Leave is granted.

The amendment application shall be filed on or before returnable date namely 24th February, 2026.

So far as CS 90 of 2019 is concerned, discovery, inspections, disclosure of documents as well as affidavit and denial of documents are complete. Judges brief of documents is filed today.

On the basis of rival pleadings and suggested issues, following issues are framed in CS 90 of 2019:

1. Whether the suit is maintainable in the present form?
2. Whether the Defendants have committed any act of breach of the covenants of the deed of lease dated 20th November, 1968?
3. Whether the Defendants encroached any space not covered under the deed of lease?
4. Whether the Defendants have sublet or parted with possession of the leased property with knowledge, concurrence and consent of the Plaintiffs?
5. Whether the lease in respect of the suit premises was determined on 31st October, 2018?
6. Whether the Defendants are liable to pay damages and/or mesne-profit? If so, to what extend and from which date?
7. Whether the Plaintiffs are entitled to any relief or reliefs as prayed for?

CS 90 of 2019 shall appear in the list for witness action on 24th February, 2026.

(SUGATO MAJUMDAR, J.)