



OD-25

APD/14/2023
WITH
CS/12/2013

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

NATIONAL INSURANCE COMPANY LIMITED
-VS-
THE HANUMAN ESTATES LIMITED

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE

The Hon'ble JUSTICE OM NARAYAN RAI
Date : 22nd May, 2025.

Appearance:

*Mr. Debajyoti Datta, Sr. Adv.
Mr. Arijeet Dass Mullick, Adv.
...for the appellant*

*Ms. Urmila Chakraborty, Adv.
Mr. Amit Meharria, Adv.
Ms. Paramita Banerjee, Adv.
Mr. Rohan Raj, Adv.
...for the respondent*

Dictated by Arijit Banerjee, J.

The Court: This appeal is directed against a judgment and order dated December 20, 2022 passed by a Learned Judge of this Court disposing of GA/5/2021 and GA/6/2021.



The appellant was a tenant under the respondent. The respondent filed an eviction suit to recover vacant possession from the appellant. The suit was decreed. The appellant carried the matter to a Division Bench of this Court. The appeal was dismissed.

Thereafter, the respondent/plaintiff filed an application before the Learned Single Judge for appointment of a Special Referee for determining the quantum of mesne profits that is payable to the plaintiff. The Special Referee filed a report before the Learned Single Judge after considering the materials produced by the parties before him and the evidence adduced before him. The Special Referee determined the rate of mesne profits at Rs.89 per sq. ft.

The plaintiff filed an application being GA/5/2021 for passing a decree in terms of the Special Referee's report. The appellant herein filed an application being GA/6/2021 for setting aside the report of the Special Referee. By the impugned judgment and order, the appellant's application was dismissed and the plaintiff's application was allowed. Hence this appeal.

We notice from the impugned judgment and order that a submission was made before the Learned Single Judge on behalf of the defendant/appellant that the rate of rent with respect to the suit property ought not to exceed Rs.65/- to Rs.70/- per sq. ft. We enquired from learned advocate appearing for the respondent/plaintiff as to whether the



respondent would be agreeable to accept mesne profits at the rate of Rs.70/-
per sq. ft. Learned advocate seeks time to obtain instruction.

List this matter once again on June 10, 2025 under the same heading
retaining its position.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)