

ORDER SHEET

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

IA NO. GA/1/2024
IN
CS/194/2024

MAINAK BOSE
-VS-
SUDEB GHOSH

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : November 6, 2024.

Appearance:

Mr. Surajit Nath Mitra, Sr. Adv.
Mr. Rishav Karnani, Adv.
Mr. Arvind Jhunhunwala, Adv.
Mr. VVV Sastry, Adv.
Mr. Tridib Bose, Adv.
Ms. Khushi Gupta, Adv.
... for the plaintiff

Mr. Asoke Basu, Adv.
Mr. S. Mondal, Adv.
... for the defendant

The Court: Mr. Surajit Nath Mitra, learned Senior Advocate, is appearing for the plaintiff.

Mr. Asoke Basu, learned Advocate, is appearing for the defendant.

The plaintiff has filed the present application being GA/1/2024 praying for a direction upon the defendant to pay the occupational charges and further orders.

Counsel for the defendant at the very outset submitted that the defendant is ready to pay the last paid rent at the rate of Rs.18,000/- per month from the month of January, 2022 till the month of October, 2024.

Counsel for the defendant has handed over three cheques of Indian Bank, Kolkata Hatibagan Branch, out of which two cheques are dated 4th November, 2024 of Rs.1,00,000/- and Rs.2,00,000/- respectively and one cheque is dated 20th November, 2024 of Rs.3,12,000/- totaling to Rs.6,12,000/- being the arrears of rent of Rs.18,000/- per month from the month of January, 2022 till the month of October, 2024.

The three cheques have been handed over to the learned counsel for the plaintiff.

The amount paid by the defendant to the plaintiff is without prejudice to the rights and contentions of the plaintiff.

Counsel for the plaintiff has also submitted that the defendant is keeping materials in the common landing area on the ground floor near the stair case for which ingress and egress of the plaintiff is being effected and the plaintiff is facing great difficulties.

Counsel for the defendant submits that the defendant will not keep any materials in the common landing area on the ground floor near the stair case.

Accordingly, the defendant is restrained from keeping any materials in the common landing area on the ground floor near the stair case or in any other common portion of the subject property till the disposal of the application.

Counsel for the defendant also submits that they are not using any toxic chemicals in the suit premises and as such, the defendant is also

restrained from using any toxic chemicals in the suit premises till the disposal of the application.

Counsel for the defendant prays for time to file affidavit in opposition.

Let affidavit in opposition be filed within three weeks; reply thereto, if any, be filed within a week thereafter.

List the matter on 28th November, 2024.

(KRISHNA RAO, J.)

RS