

IN THE HIGH COUR AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

...

SAT/5/2020

Arjun Singh

... Appellant

Vs.

Dinesh Kumar Sharma

... Respondent

Mrs. Anjili Nag, Advocate

... for the appellant

September 07, 2021
[SR]
Item No.6 & 7

The appeal shall be heard on the following substantial questions of law.

- (i) Whether the court of appeal below was justified in reversing the judgement and decree of the Trial Court solely on the ground that the notice demanding the arrear of rent does not specify the provisions of law under which the same has been issued?.
- (ii) Whether the court of appeal below was justified in reversing the judgement and decree of the Trial Court without noticing that despite an order having been passed for deposit of arrears of rent, the tenant did not deposit the same, and therefore, exposed himself liable to be evicted under Regulation 13(1)(a) of the Andaman and Nicobar Islands Rent Control Regulations, 1964?

The appellant is directed to file requisites for effecting service of notice of appeal upon the defendant/respondent within a week from date. Upon the filing of the requisite, the office shall ensure the service of notice upon the defendant/respondent within two weeks therefrom.

The department is directed to call for the lower courts record pertaining to the instant case and after arrival thereof, shall examine the same and if found complete shall issue notice of appeal on arrival of record upon the advocate on record of the appellant. The appellant is directed to file the requisite number of informal paper books within four weeks from the date of service of notice of appeal and arrival of record.

Liberty is granted to pray for early disposal of the case.

Re: SAT/6/2020

The appeal shall be heard on the following substantial questions of law.

- (i) Whether it is imperative on the part of the Court of appeal below to record an independent finding while disposing of an appeal pertaining to the recovery of arrear rent?
- (ii) Whether the court of appeal below was justified in dismissing the appeal without returning its

independent finding on the merits of the case and therefore exposed the impugned judgment liable to be set aside?

The point involved in the instant appeal is connected and related with the points involved in SAT/5/2020, and, therefore, this appeal shall be heard analogously with SAT/5/2020.

The appellant is directed to prepare a supplementary paper book pertaining to the instant case as the paper book to be filed in SAT/5/2020 shall include all the necessary papers required for the disposal of the instant appeal as well.

(Harish Tandon, J.)

(Shivakant Prasad, J.)