

D
C.A.No. 6350 OF 1998

ITEM No.111

Court No. 10

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 6350 of 1998

Ranjit Chowdhury & Ors.

...Appellant(s)

vs.

Dilip K Roy & Ors.

...Respondent(s)

(with appln.(s) for vacating stay and with office report)

Date: 19/02/2004 This/These matter(s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE S.H. KAPADIA

For Appellant (s)Mr. G S Chatterjee, Adv.

For Respondent (s)Mr. Avijit Bhattacharjee, Adv. for
Mr. Satish Vig, Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard counsel for the parties for 10 minutes.

The appeal is dismissed in terms of the signed order.

(D.P. WALIA) (JANKI BHATIA)
COURT MASTER COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6350 OF 1998

Ranjit Chowdhury & Ors.... Appellants

vs.

Dilip K. Roy & Ors.... Respondents

O R D E R

The plaintiff-respondents filed a civil suit for declaring the defendant-appellants as licensees and praying for recovery of possession evicting the defendant-appellants from the suit premises, before the Small Causes Court, Calcutta. That suit was decreed by the Small Causes Court.

Thereafter, a title suit was filed by the appellants herein in the City Civil Court, Calcutta, against the respondents herein, for a declaration that they had perfected their title by adverse possession in respect of one room, bath-cum-privy and varanda on the ground floor of premises No. 2, Balaram Majumdar Street, within Police Station Shyampukur, Calcutta-5 and for permanent injunction restraining the respondents herein from taking possession in execution of the order passed by the Small Causes Court in SCC Suit No. 141/1994 and from disturbing the possession of the appellants herein in the suit premises. The City Civil Court allowed the application filed under Order 39 Rules 1 & 2, CPC and granted temporary injunction restraining thereby the execution of the decree and order passed by the Small Causes Court, till the disposal of the title suit.

Aggrieved against the aforesaid order of the City Civil Court, the respondents herein filed an appeal against the original order before the High Court, which was accepted and the injunction granted by the City Civil Court was vacated.

Aggrieved against the aforesaid order of the High Court, the present appeal has been filed by the appellants by special leave.

Counsel appearing for the landlord-respondents states, which is not controverted by the counsel for the appellants, that the tenant-appellants have handed over possession of the suit property to the respondents and, therefore, this appeal has become infructuous.

In view of the aforesaid statement, this appeal is dismissed as infructuous.

.....J(ASHOK BHAN)

.....J

(S.H. KAPADIA)

New Delhi;

February 19, 2004.