

Vs. Sardarmull Kankaria

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Court : Kolkata

Decided On : Feb-14-2012

Judge : Bench

Respondent : Sardarmull Kankaria

Judgement :

ORDER

SHEET APDT No.1 of 2012 GA No.35 of 2012 CS No.30 of 2011 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction ORIGINAL SIDE KOLKATA IMPROVEMENT TRUST Appellant Versus SARDARMULL KANKARIA Respondent BEFORE: The Hon'ble CHIEF JUSTICE The Hon'ble JUSTICE Dr.

SAMBUDDHA CHAKRABARTI Date :

14. h February, 2012.

For Appellant : Mr.P.S.Bose, Mr.R.K.Kali and Mr.S.Talukdar, Advocates For Respondent: Mr.Mr.Mr.Mr.Pramit Roy, Souvik Sen, P.

Mukherjee and A.

Banerjee, Advocates The Court : This is an application for stay of operation of the judgment and decree dated September 29, 2011, passed by the Learned Trial Judge plaintiff/respondent filed in a C.S.suit No.30 inter alia of for 2011.

a decree The of declaration as well as a decree for specific performance of the agreement dated September 3, 2001, annexed to the plaint and for other reliefs.

By Learned the judgment Trial Judge and decree directed that impugned there in would this be appeal a the decree as claimed in terms of prayers (a).(b).(c) and (d) of the plaint.

The defendant-appellant feeling itself aggrieved has come up with the present appeal and with an application for stay.

Pursuant learned to the leave Advocate for the granted appellant on has February filed a 7, 2012, the supplementary affidavit in Court today.

Let the same be kept with the records.

Mr.Roy, the learned Advocate appearing for the plaintiff/respondent, has drawn our attention to the fact that there is a discrepancy in the averment made in paragraph 4 of the supplementary affidavit and the annexure marked with the letter `X and annexed to the said supplementary affidavit.

It is true that in paragraph 4 it was stated that the requisition for obtaining the certified copy of the judgment and decree was given on September 30, 2011 but the copy of the requisition which has been annexed to the supplementary affidavit was for drawing up and completing the decree impugned in this appeal.

Mr.Bose, the learned Advocate appearing for the appellant, is to file a corrected supplementary affidavit on the next date of hearing of this application.

As prayed for by Mr.Roy, the learned Advocate appearing for the plaintiff/respondent, the defendants are to file affidavit-inopposition within three weeks from today.

Affidavit-in-reply thereto, if any, is to be filed within one week thereafter.

The matter is to appear in the list on March 20, 2012.

There shall be an ad interim order of status quo with regard to the subject property as on the date of the passing of the judgment and order.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(J.N.PATEL, CJ.) (Dr.

SAMBUDDHA CHAKRABARTI, J.) SN/Rsg.

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