

**ASR 8.
5.12.2022**

**SAT 202 of 2022
With
CAN 1 of 2022**

**Maya Rani Sadhukhan & Ors.
Vs.
Doli Karmakar**

**Mr. Siva Prasad Ghosh
Ms. Debjani Ghosh Roy (Deb)**

.....For the appellants/Petitioners

We admit this appeal on the following substantial questions of law.

I. Whether on the facts and in the circumstances of the case, the judgement and decree of the first appellate Court could be termed as perverse for reversing the finding of fact made by the learned trial court that the lease/tenancy was residential and from month to month and in arriving at a finding that the leasehold property was used for manufacturing purposes for the determination whereof six months notice was required?

II. Whether the learned First Appellate court committed a grave error of law in dismissing the appellant's suit in the absence of six months notice of termination?

III. Whether the learned First Appellate court erred in not affirming the judgement and decree of the learned trial court?.

As the respondent is not represented by learned counsel, let a notice of appeal be issued and served upon him by 6th January, 2023.

Transmission of the lower Court records is dispensed with for the time being. We shall call for it, if required later.

All formalities regarding preparation of paper books are dispensed with.

Advocate-on-record for the appellant will file an informal paper book in this Court by 31st January, 2023, serving one copy thereof on the Advocate on record of the respondent, atleast five days before the date of hearing of the appeal.

List the appeal For Hearing on 9th February, 2023.

The application (1 of 2022) is disposed of.

(I. P. Mukerji,J.)

(Biswaroop Chowdhury,J)