

ITEM NO.51

COURT NO.6

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

Petition for Special Leave to Appeal (C) Nos.24931-24932/2019

(Arising out of impugned final judgment and order dated 25-09-2019 in FMAT No.474/2019, 25-09-2019 in CAN No.4947/2019 passed by the High Court At Calcutta)

JAGABANDHU NANDY & ORS.

Petitioner(s)

VERSUS

SKY HEIGHT ENCLAVE PRIVATE LIMITED & ORS.

Respondent(s)

(IA No.160164/2019 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 24-02-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. Ajit Sinha, Sr. Adv.
Mr. Subhro Sanyal, AOR
Mr. Vijendra Kumar Pandey, Adv.
Mr. Shivnath Tripathi, Adv.

For Respondent(s) Mr. S.B. Upadhyay, Sr. Adv.
Mr. Debashish Roy, Adv.
Ms. Mandakini Ghosh, Adv.
Ms. Sakie Jakharia, AOR

Mr. Partha Sil, AOR
Mr. Tavish B. Prasad, Adv.

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

The apprehension expressed by the petitioners stands taken care of in view of the statement made by Mr. S.B. Upadhyay, learned Senior Advocate on behalf of the respondents, on instructions, to the following effect:

- (a) The petitioners, who are presently occupying the premises on tenancy basis in the front portion of the property, will temporarily be relocated in the back portion till reconstruction of the front portion is undertaken by the respondents;
- (b) Such reconstruction will be carried out within 18-months' period from the date of their handing over the possession of the front portion;
- (c) The temporary relocation of the petitioners in the back portion will not put them to any prejudice as the respondents shall ensure sufficient access to the rear portion of the property; and,
- (d) After reconstruction of the front portion is over, all the petitioners shall be put back in the reconstructed areas in the front portion, subject to the condition that the area to be handed over to each of the petitioners shall be about 80 *per cent* of the area in their occupation as claimed in the Suit.

In view of the statement, nothing further need be done in the matter. We, therefore, dispose of the matter in the light of the aforesaid statement.

Since the aforesaid arrangement will sufficiently take care of the interest of all the petitioners, we dispose of the pending proceedings, namely, Title Suit NO.491 of 2018 in terms of said

understanding.

In case of any default on the part of the respondents, the petitioners will be at liberty to approach this Court.

Pending application(s), if any, shall stand disposed of.

(MUKESH NASA)
COURT MASTER

(SUMAN JAIN)
ASSISTANT REGISTRAR