ASR 7. 15.3.2023

### FMAT 47 of 2023 With CAN 1 of 2023

Ananda Kumar Sharma & Anr. Vs. Suresh Kumar Pasari

## Mr. Mainak Bose Mr. Rachit Lakmani Mr. Rishabh Karnami Mr. Nikunj Birlia Mr. Lokesh Sarma

### .....For the appellants

#### Mr. Shounak Bhattacharya Ms. Shreeyashri Sanyal

# .....For the respondent

We admit the appeal.

We are in a position to dispose of it today on dispensation of all formalities.

There is a slight mistake in the impugned order dated  $20^{\text{th}}$  January, 2023.

One part of it directs that the respondent/defendant "will not interfere with the possession of plaintiff's shop room."

According to the case of the respondent/plaintiff in the plaint he claimed and prayed for possession of the suit premises (paras 16 and 17).

Hence, according to him he is not in possession of the subject shop room. Therefore, we delete the above quoted part of the impugned order and request the learned court below to dispose of the interim application pending before it, as early as possible.

The part of the order directing status quo is retained by us.

The appeal and the connected application are disposed of.

(I. P. Mukerji,J.)

(Biswaroop Chowdhury,J)