

01,DL,Ct.18.
11.12.2019
AJ.

C.O. 1533 of 2020

Sri Swapan Kumar Chattaraj
-Vs-
Sri Ajit Kumar Layek

Mr. Pinaki Ranjan Chakraborty,
Mr. Amal Kumar Banerjee.
... for the petitioner.

The defendant/tenant in a suit for
ejectment is the petitioner of the instant
application under Article 227 of the Constitution of
India.

The petitioner suffered a decree of eviction
and aggrieved thereby preferred the connected
appeal being Title Appeal No. 04 of 2019 pending
before the learned District Judge, Paschim
Bardhanman at Asansol.

The Appeal Court below by the Order No.8
dated March 06, 2020, the impugned order herein
has fixed occupation charges in respect of the suit
property at Rs.5,000/- per month as the condition
for stay.

The petitioner contends that the occupation
charge so fixed is too high and does not
commensurate with the rate of rent last paid by
him.

The Appeal Court below overruled such
contention of the petitioner holding that the

occupation charge should not be equivalent to the monthly rent and considering the location of the suit property fixed the occupation charge at the aforesaid rate.

The Appeal Court below is quite justified in holding that the occupation charge has no nexus with the rate of rent of the suit property.

On perusal of the decree under appeal it appears that the suit property consists of three rooms, one courtyard, one veranda, bathroom and kitchen under the Asansol Municipal Corporation. The area and the location of the suit property justify fixation of the occupation charges at the said rate.

I therefore do not find any illegality and/or infirmity in the order impugned warranting interference.

C.O.1533 of 2020 is dismissed.

There shall be no order as to costs.

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

(Biswajit Basu, J.)