

10.02.2021
(S/L-03)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 293 of 2021

Probhat Pandey @ Prabhat Pandey
-Vs-
Rajendra Kumar Jaiswal & Ors.

Mr. Debanik Banerjee,
Mr. Mainak Sarnokar,
..... For the petitioner.

Mr. Rajdeep Bhattacharya,
Ms. Sevanti Roy,
..... For the Opposite Parties.

The revisional application under Article 227 of the Constitution of India is at the instance of a defendant/appellant and is directed against order No. 4 dated January 14, 2021 passed by the Learned District Judge-in-Charge at Alipore, 24-Parganas (South) in Title Appeal No. 64 of 2020.

The petitioner has suffered an eviction decree and aggrieved by the said decree has preferred the connected Title Appeal No. 64 of 2020.

The Appeal Court below by the order impugned has disposed of an application for stay by directing the petitioner to pay Rs.25,000/- per month towards occupational charges as the condition for grant of stay of operation of the decree under appeal.

The Appeal Court below considering the area of the flat and its locality has fixed the said amount.

The suit flat is situated in a prime location of Kolkata measuring about 900 Sq. Ft., consisting of three rooms, one Thakurghar, one kitchen, one bath-cum-privy and one dalan.

Considering the size of the suit flat and its location, this Court does not feel that the Appeal Court below has committed any error in assessing the occupational charges at the said rate warranting interference in the order impugned.

C.O. 293 of 2021 fails for the aforesaid reasons.

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.)