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05.03.2021
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

(Via Video Conference)

CO No. 1087 of 2020

**Sri Kheru Ram
-versus-
Alya Begum & ors.**

Mr. Samrat Dey Paul,
... for the petitioner.

Mr. Tarak Nath Halder,
... for the opposite parties.

The petitioner has suffered a decree of eviction and has preferred the connected Title Appeal No. 17 of 2019 which is pending before the learned Additional District Judge, Fast Track Court-II at Sealdah, District : 24 Parganas (South).

The appeal Court below by the order impugned being order no. 11 dated February 25, 2020 has disposed of an application filed by the petitioner praying for stay of the execution case levied to execute the decree under appeal.

The appeal Court below by the order impugned has directed the petitioner to pay occupational charges @ Rs. 3000/- per month as the condition for such stay.

The petitioner claims that the suit property is only a 72 square feet room having no facility of electricity attached to it.

Mr. Tarak Nath Halder, learned counsel appearing for the decree-holders/opposite parties, disputes such claim of the petitioner.

However considering the size of the suit property, this Court fixes occupational charges @ Rs. 2000/- per month.

The arrear occupational charges reckoning from the date of decree comes around Rs. 50,000/- out of which the petitioner has paid a sum of Rs. 3,000/- in terms of the direction passed in CO 3078 of 2019.

The payable amount of arrear occupational charges therefore stands as of today at Rs. 47,000/-.

The petitioner is required to pay the said amount to the decree-holders by two installments, first of such installment shall be of Rs. 25,000/- payable by March 15, 2021 and the balance of the said amount of Rs. 47,000/- shall be payable by the end of the month of March 2021.

The petitioner shall pay current occupational charges within 7th of each succeeding month for which it falls due. All payments shall be made to the bank account, details of which have been provided by Mr. Halder to Mr. Dey Paul in Court today.

In default of any payment in the manner and within the time mentioned above, the order of stay passed by the learned Trial Judge affirmed by this Court shall stand automatically vacated rendering the decree immediately executable.

The order impugned is modified to the extent indicated above.

Learned counsel for the petitioner submits that his client is without electricity and he intends to take independent supply line but apprehending obstruction of the decree-holders/opposite parties, prays for an appropriate order.

Mr. Halder submits that if the petitioner is entitled to such independent supply line in accordance with law, his clients are not interested to object.

The issue is beyond the scope the present revisional application, therefore, this Court is not inclined to pass any order as prayed for by the learned counsel for the petitioner.

It is however always open for the petitioner, if he is otherwise entitled to under the law, to apply for such independent supply line.

CO 1087 of 2020 is thus disposed of. The appeal Court below is requested to expedite the disposal of the appeal. No order as to costs.

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

(Biswajit Basu, J.)