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Ct. No. 18
19.01.2021

**C.O. No. 1099 of 2020
(Via Video Conference)**

**M/s. Chandannagore Cycle Supply Co., represented
by Rabindra Nath Goswami
Vs.
Dr. Subhash Chandra Pal & Anr.**

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal ... For the petitioner.

Mr. Ranjit Kumar Roy,
Mr. Alakendu Pal ... For the opposite parties.

The petitioner has suffered a decree of eviction and aggrieved by the said decree has preferred a connected appeal being Title Appeal No. 198 of 2010.

The appeal Court below by the order impugned being Order No. 56 dated February 5, 2020 has fixed the occupation charges @ Rs. 7,500/- per month in respect of the suit shop room as the condition for staying the operation of the decree under appeal.

The appeal Court below assessed the said occupation charge on the basis of the location of the suit shop room.

This Court in exercise of the jurisdiction under Article 227 of the Constitution of India is not inclined to interfere with the said factual finding.

The occupation charges fixed by the appeal Court below shall be paid by the petitioner to the bank account of the opposite parties directly.

Mr. Alokendu Pal, learned advocate-on-record for the opposite parties shall supply the details of the bank account in which the petitioner shall credit the occupation charges to Mr. Sarbananda Sanyal, the learned advocate-on-record for the petitioner.

The appeal is pending since 2010. The appeal Court is requested to expedite the disposal of the same.

C.O. 1099 of 2020 is disposed of with the above terms. 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.)