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SK
Ct. No. 18
23.04.2021

(Via Video Conference)
C.O. No. 990 of 2021

Sri Ranjan Basak & Ors.
Vs.
Smt. Shilpi Laha & Anr.

Mr. Shibendra Nath Chattopadhyay,
Mr. Prabir Kumar Mishra,
Mr. Priyam Misra ... For the petitioners.

The opposite party no. 1 has suffered a decree of eviction in Ejectment Suit No. 336 of 2010 passed by the 2nd Bench of learned Judge, Presidency Small Causes Court at Calcutta and aggrieved by the said decree preferred the connected appeal being Title Appeal No. 7 of 2021, which is now pending before the learned Chief Judge, City Civil Court at Calcutta.

The appeal Court below by the order impugned being Order No. 5 dated March 17, 2021 has assessed the occupational charge @ Rs. 2,080/- per month as the condition for stay of the operation of the judgment and decree under appeal.

The plaintiffs/decreed-holders, the petitioners herein although have claimed that the rate of occupational charge should be at least Rs. 50/- per square feet, but did not produce any document to substantiate their said claim.

The appeal Court below by the order impugned has assessed the occupational charge @ Rs. 40/- per square feet.

Some amount of guesswork is permissible in assessing the rate of said charge in the absence of any material.

This Court, therefore, does not find any illegality and/or infirmity in the order impugned warranting interference.

C.O. 990 of 2021 is dismissed without any 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.)