

**In the High Court at Calcutta
Civil Revisional Jurisdiction
Appellate Side**

C.O. No. 1178 of 2021
(Via video conference)

M/s. Bhagwandas Jhabarmull
represented by
Kamal Agarwal
-Vs.-
Estate Officer & Anr.

Ms. Anwari Quraishi
...for the petitioner

Mr. Probal Kumar Mukherjee
...for the opposite parties

After completion of hearing, an adjournment is sought for on the ground of absence of senior counsel for the petitioner. However, since both the sides already advanced arguments extensively and this Court has already expressed its opinion on the outcome of the revisional application, there is no scope for granting such adjournment at this belated stage.

The judgment-debtor in an eviction suit under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 has preferred the present revision against an order whereby stay, as prayed for by the petitioner, was refused.

As submitted by learned senior counsel appearing for the opposite parties/decreed-holders as well as is evident from the impugned order itself, no order of stay of execution of the decree-in-question, passed by this Court in F.A.T. No. 3387 of 1991, could be produced by the petitioner.

As such, no fault can be found in the impugned order, in the absence of any order of stay having been produced by the petitioner in the court below.

Accordingly, C.O. No. 1178 of 2021 is disposed of without interfering with the impugned order.

It is made clear that this order and/or the order impugned herein shall not prevent the petitioner from approaching the Court taking up F.A.T. No. 3387 of 1991 for an order of stay and, if so passed, to produce the same before the executing court.

However, it is further clarified that mere pendency of the appeal would not be an impediment to the execution of the decree in the meantime and the executing court shall proceed with the execution case subject to production of

any order of stay, if passed in F.A.T. No. 3387 of 1991.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)