

01. 23.11.2021
Ct. No.22
BPG

C.O. 1963 of 2021

Sri Taraknath Jaiswal
-Versus-
Sri Uttam Chatterjee

(Through Video Conference)

Mr. Sadananda Ganguly,
Mr. P.K. Pakrashi
...for the Petitioner.

Mr. Sadananda Ganguly, learned advocate appearing for the petitioner prays for stay of the operation of order No.5 dated 21.09.2021 passed by the learned Additional District Judge, 1st Court, Sealdah, South 24 Parganas as the petitioner has been directed to pay monthly rent/occupational charge of Rs.5,000/- per month, when the actual rent of the disputed tenancy was Rs.605/- per month, while granting the stay of decree of eviction passed by the learned Civil Judge (Junior Division), 1st Court, Sealdah in Ejectment Suit No.113 of 2015 on 17.03.2021.

He files an affidavit of service on the opposite party through speed post dated 17.11.2021 with track report showing due delivery on 20.11.2021.

In spite of service, none appears on behalf of the opposite party.

Considering the facts and circumstances of the case and after going through the impugned order along with decree of ejectment passed by the trial court, I do not

find the impugned order to be illegal or with material irregularity. Therefore, I do not see any reason to stay the order under challenge as prayed for. The prayer for stay of the impugned order is refused. Accordingly, C.O.1963 of 2021 is hereby disposed of.

However, the learned Additional District Judge, Sealdah is directed to make all endeavour to dispose of the appeal expeditiously.

There will be no order as to costs.

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

(Kesang Doma Bhutia, J.)