

07.04.2021
(Item Nos. 102 & 103)
(P.Jana).

C.O. 4158 of 2019

**Hiralal Shaw & Sons (HUF), represented
by its Karta – Chandra Gupta Shaw
-Vs-
Manni Lal Jaiswal & Ors.**

**C.O. 4280 of 2019
with**

**Manni Lal Jaiswal & Ors.
-Vs-
Hiralal Shaw & Sons (HUF), represented
by its Karta – Chandra Gupta Shaw**

Mr. Rahul Karmakar,
Mr. Abir Lal Chakraborty.

.....for the petitioner in C.O. 4158 of 2019
&
for the opposite parties in C.O. 4280 of 2019.

Mr. Souradipta Banerjee,
.....for the petitioner in C.O. 4280 of 2019
&
for the opposite parties in C.O. 4158 of 2019.

These two revisional applications are directed against the selfsame order no. 6 dated November 26, 2019 passed by the learned Chief Judge, City Civil Court at Calcutta in Title Appeal No. 56 of 2019 as such taken up for analogous hearing and disposal.

The petitioner of CO 4158 of 2019 has suffered a decree of eviction and aggrieved thereby has preferred the connected title appeal. The appeal Court below by the order impugned has fixed occupational charges in respect of the suit property at the rate of Rs. 25,000/- per month as the condition for grant of stay of the decree under appeal.

In view of the location and commercial use of the suit property, the rate of occupational charges so fixed in my opinion is in the conservative side.

Therefore, the order impugned does not call for any interference.

It is informed by the learned counsel for the parties that April 20, 2021 is the next date fixed for further hearing of the said appeal.

Mr. Rahul Karmakar, learned counsel appearing on behalf of the appellant, submits that the argument from the end of the appellant will be concluded on the said date.

Be that as it may, the petitioner of C.O. 4158 of 2019 is directed to deposit the arrear and current occupation charges in terms of the order impugned. However, time for such deposit is extended till May, 2021.

CO 4158 of 2019 and CO 4280 of 2019 are thus disposed of without any 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.)