

01.03.2022
(S/L-26)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 3183 of 2018

Smt. Deepsikha Chatterjee & Anr.
-Vs-
Sri Rajendra Razak & Anr.

Mr. Jayanta Samanta,
Ms. Karunamoyee Samanta,
.... For the Petitioners.

Mr. Jayanta Samanta, learned advocate for the petitioners files affidavit-of-service which is taken on record.

None appears on behalf of the opposite parties in spite of service.

The petitioners are the decree-holders of a decree of ejectment passed by the 3rd Court of Learned Civil Judge(Junior Division), Serampore, District- Hooghly in Title Suit No. 124 of 2003, subsequently re-numbered as Title Suit No. 3017 of 2014.

The defendants/opposite parties, aggrieved by the said decree have preferred the Title appeal no. 16 of 2018 which is now pending before the 2nd Court of learned Additional District Judge, Serampore, District- Hooghly.

In the said appeal, an order being order no. 3 dated July 19, 2018 was passed staying the further proceeding of the execution case levied to execute the decree under appeal till September 29, 2018 which was subsequently extended.

The grievance of the petitioners is that such stay was granted without putting the judgment-debtors/appellants under any condition.

In view of the nature of the decree, the judgment-debtors are not entitled to such a blanket order of stay of the execution case.

The further grievance of the petitioners is that they have filed an application on July 24, 2018 for occupational charges as the condition for stay of further proceedings of the said execution case but the said application has not yet been disposed of.

C.O. 3183 of 2018 is disposed of by requesting the Appeal Court below to dispose of the said application for stay and the application for payment of occupational charges in accordance with law as expeditiously as possible, preferably within a period of two available effective working months of the said Court from the date of communication of this order and in doing so, shall not grant any unnecessary adjournment to either of the parties.

After disposal of the aforesaid applications, the Appeal Court below shall make all endeavour to dispose of the appeal as expeditiously as possible.

There shall be 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.)