

Item No. 8
31.07.2023
Court. No. 19
GB

C.O. 828 of 2023

Sri Algo Baitha
Vs.
Mantura Devi & Ors.

Mr. Subhendu Bandyopadhyay,
Mr. Arindam Mitra

...for the Petitioner.

Mr. Sukanta Chakraborty,
Mr. Anindya Halder

...for the Opposite Parties.

The revisional application has been filed challenging an order dated December 17, 2022, passed by the learned Additional District Judge, 2nd Court at Serampore, Hooghly in Title Appeal No.11 of 2022.

By the order impugned, the application for stay filed in connection with Title Appeal No.11 of 2022 was rejected.

By order dated September 29, 2022, the learned lower appellate court had directed that the operation of the judgment and decree dated February 3, 2022 passed by the learned Civil Judge (Junior Division), Additional Court, Serampore in Title Suit No.230 of 1997 would remain stayed till the disposal of the appeal, subject to the petitioner paying Rs.1500/- per month in addition to the contractual rent with effect from April 1, 2022.

The arrear occupational charges was directed to be paid within two months from the date of the order along with current rent.

The learned court further directed that in case of default in payment as directed by the court, the stay order shall stand vacated.

The petitioner could not pay the amount as directed and prayed for review. The application for review was rejected. The petitioner prayed for stay, which was also rejected. Aggrieved, the petitioner appears before this Court by filing this revisional application.

It is submitted that the petitioner, on the basis of an interim order passed in this revisional application, is paying the amount directed. The arrear occupational charges have also been paid. The petitioner undertakes to comply with the order passed, by paying the current rent as directed by the learned court below along with the occupational charges.

Under such circumstances, the revisional application is disposed of with a direction that the judgment and decree dated February 3, 2022 passed by the learned Civil Judge (Junior Division), Additional Court, Serampore in Title Suit No.230 of 1997 shall remain stayed till the disposal of the Title Appeal No.11 of 2022, subject to compliance of the order dated September 29, 2022 in its letter and spirit. In case of default, the stay shall automatically stand vacated without reference to any court.

The Title Appeal No.11 of 2022 shall be disposed of within a period of six months from date of communication of this order.

Accordingly, the revisional application is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)