

S/L 21  
07.02.2023  
Court No.652  
SD

CO 2347 of 2021

Shri Nilmadhab Ghora  
Vs.  
Shri Arjun Kumar Dutta & Anr.

*Mr. Gopal Ch. Ghosh*  
*Mr. Rajkrishna Mandal*

*...for the Petitioner.*

*Mr. Mrinal Kanti Ghosh*

*...for the Opposite Parties.*

Being aggrieved and dissatisfied with the order no.9 dated March 31, 2021 passed by the learned District Judge, Alipore in Ejectment Appeal No.11 of 2020, present revisional application has been preferred.

It is submitted that the aforesaid Ejectment Appeal No.11 of 2020 was preferred against the judgment and decree dated 06.12.2019 passed by the learned Civil Judge (Junior Division), 3<sup>rd</sup> Court, Alipore in Title Suit No.122 of 1995. The said appeal was admitted by the First Appellate Court but when the appellant prayed for a stay of execution of the said decree, the learned First Appellate Court was pleased to direct the appellant/defendant to pay occupational charge of Rs.15,000/- per month till disposal of the appeal. Being aggrieved by that order of imposing occupational charge upon the appellant as a condition for granting stay, present revisional application has been preferred.

It is submitted that the said appeal got dismissed for default by the First Appellate Court on August 2, 2022.

In view of the above, present revisional application has become infructuous.

Accordingly, CO 2347 of 2021 is dismissed as infructuous.

There will be no order as to costs.

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

**(Ajoy Kumar Mukherjee, J.)**