

(16)
24.11.2023
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO No. 2978 of 2023

Idu Mia & anr.
-versus-
Iqbal Ahmed & ors.

Mr. Subhadip Biswas,
Mr. Anand Jha,
... for the petitioners/appellants.

Mr. A. Chakraborty,
Mr. Gourab Mukhopadhyay,
...for the opposite parties/plaintiffs.

Affidavit of service filed on behalf of the petitioners be
kept with the record.

The instant revisional application under Article 227 of
the Constitution of India is at the instance of the
defendants/appellants in a suit for ejectment and is directed
against the order dated August 16, 2023 passed by the
Learned Chief Judge, City Civil Court, Calcutta in the Title
Appeal No. 43 of 2023.

The suit got decreed, aggrieved thereby the defendants
have preferred the connected appeal.

The appeal Court below by the order impugned has
disposed of an application for stay of the operation of the
decree under appeal subject to payment of occupational
charges @ Rs. 10,000/- per month.

The petitioners are aggrieved by the quantum of
occupational charges.

Mr. Biswas, learned advocate for the petitioners submits
that the suit property is hundred years old and is dilapidated;

as such the quantum fixed by the appeal Court below for the occupational charges is disproportionate.

The appeal Court below while fixing the occupational charges at the said rate has considered the market value of the suit property which is three rooms on first floor of premises No. 62, Phears Lane, a place in the heart of Kolkata.

This Court therefore does not find any reason to interfere with the order impugned.

CO 2978 of 2023 is dismissed without any order as to costs.

The appeal Court below is requested to expedite the disposal of the appeal.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

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

(Biswajit Basu, J.)