

Court No. 8
01.11.2023
(Item No. 3)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

C.O. 3152 of 2022

Somnath Roy
VS
Smt. Jayabati Ghosh & Ors.

Mr. Jayanta Samanta
Ms. Karunamayee Samanta
..... for the petitioner

Affidavit of service filed by the petitioner in Court today are kept on record.

The instant civil revision has been preferred by the petitioner against the impugned order No. 5 dated 17.9.2022 passed by the learned Court below in Ejectment Appeal No. 5 of 2022 wherein the appellate Court has directed the petitioner to deposit the occupational charges to the tune of Rs.5,000/- per month. It is the submission of the learned advocate for the petitioner that the amount of occupational charges is exorbitant so he moves the instant civil revisional application before this Court. After hearing the learned advocate for the petitioner an interim order was passed by this court on 12th October, 2022 directing the present petitioner to deposit the occupational charges of Rs.2500/- per month instead of Rs.5000/-. The petitioner was also directed to serve upon the opposite parties in respect of the order dated 12th October, 2022.

It appears from the affidavit of service that the petitioner has served upon the opposite parties and it further appears from the challans that the petitioner is regularly depositing the occupational charges of Rs.2,500/- with the learned Court below. The entire revisional application is pending since one year but on no occasion the opposite parties appeared.

The learned advocate for the petitioner submits that the opposite parties are not at all interested to contest this matter, or they have no objection against the interim order passed by this Court. Accordingly, the instant civil revisional application may be disposed of by confirming the interim order.

Heard the learned advocate for the petitioner. Perused the interim order passed by this Court on 12th October, 2022.

Considering the entire circumstances the instant civil revision is disposed of with the direction that the occupational charges as ordered by the learned appellate Court to the tune of Rs.5,000/- per month is hereby modified and reduced to Rs.2,500/- per month.

Other portions of the impugned order shall remain unaltered.

Accordingly civil revision being C.O. 3152 of 2022 stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Subhendu Samanta, J.)