

M/L 62
16.7.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 1995 of 2024

Smt. Bharati Paul & Ors.

Vs.

Smt. Minati Adhikary

Mr. Siva Prasad Ghosh

Ms. Srijani Mukherjee

...for the Petitioners.

Mr. Kushal Chatterjee

Mr. Debrup Choudhury

...for the Opposite Party.

The petitioners have suffered a decree of eviction dated February 27, 2024 passed in *Ejectment Suit No.67 of 2013*, and aggrieved thereby, have preferred the connected *Title Appeal No.17 of 2024*.

The appeal Court below, by the order impugned dated May 10, 2024, has stayed the operation of the judgment and decree under appeal, subject to the condition of payment of occupational charges @ Rs.8,000/- per month, with effect from the date of the impugned decree.

Mr. Ghosh, learned advocate for the petitioners submits that the suit property is one tile shed room, as such, the rate at which the occupational charges have been fixed is disproportionate to the market value of it.

Mr. Chatterjee, learned advocate for the opposite party submits that the suit room is comprised of 150 sq.ft. area, with verandah and common bath and privy; it is situated at a prime location in Kolkata, near Five-point crossing at Shyambazar, therefore, the assessment of occupational charges is just and proper.

Having heard the learned counsel for the parties and on perusal of the materials on record, it appears that the suit property is one brick built room with tile shed and common user of bath and privy.

Considering the area under occupation of the petitioners, its location; the occupational charges is reduced to **Rs.6,000/- per month** from Rs.8,000/- per month. The other condition(s) of the order impugned shall remain unaltered.

The disposal of the appeal be expedited, the appellants shall not seek any adjournment before the appeal Court below; in the event such prayer is made, this order shall stand automatically recalled without any reference to this Court.

CO 1995 of 2024 is disposed of with the above terms with no order as to costs.

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

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.)