

02.07.2024
(D/L-09)
Ct.-19
(Susanta)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2278 of 2024

Biswajit Pailan
-Vs-
Sri Sanat Kumar Roy & Ors.

Mr. Sobhan Majumder,
Ms. Kalpita Paul, ... For the Petitioner.

Mr. Falguni Bandyopadhyay,
Mr. Manas Ghosh,
Ms. Riya Ballav, For the Opposite Parties.

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

The appellate decree passed by the 14th Court
of learned Additional District Judge at Alipore,
District 24-Parganas (South) in Title Appeal no.
239 of 2008 has given rise to the Title Execution
Case no. 04 of 2017 before the 7th Court of learned
Civil Judge (Senior Division) at Alipore, District
24-Pargnas (South).

The petitioner in the said execution case has
filed an application under Order XXI Rules 97, 98,
99, 100 and 101 of the Code of Civil Procedure for
determination of his independent right, title and
interest over the decretal property being Misc.
Case no. 86 of 2024.

The Executing Court by the order impugned
dated May 16, 2024 has dismissed an application

filed by the petitioner praying stay of all further proceedings of the said Execution Case pending disposal of the said Misc. Case.

The petitioner is praying title over the decretal property by way of adverse possession.

On perusal of the application under Order XXI Rule 97, 98, 99, 100 and 101 of the Code, it appears that the application lacks sufficient materials to constitute a *prima facie* case of adverse possession, as such in aid of the said application, the order of stay, as prayed for, cannot be granted.

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

C.O. 2278 of 2024 is dismissed with the observation without any 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.)