

In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)
C.O. 2358 of 2024

Krishna Kumar Singh & Anr.
Vs.
Smt. Sandhya Rani Manna & Ors.

Mr. Debjit Mukherjee,
Mr. Kaustav Bhattacharya ... For the petitioners.

Ms. Arundhati Barman Roy,
Mr. Biswajit Chowdhury ... For the opposite parties.

The application under Article 227 of the Constitution of India is at the instance of the defendant nos. 1 and 2 in a suit for eviction, which is directed against Order No. 6 dated June 10, 2024 passed by the 13th Court of learned Additional District Judge at Alipore, District – 24 Parganas (South) in Ejectment Appeal No. 10 of 2023.

The appeal Court below by the order impugned has fixed the occupational charges @ Rs. 12,000/- per month as the condition for grant of stay of the execution case levied to execute the decree under challenge in the appeal.

Mr. Mukherjee, learned advocate for the petitioners submits that the appeal Court below has assessed the occupational charges on the basis of a valuation report filed by the plaintiffs without giving the petitioners an opportunity to controvert the said report.

Learned advocate for the plaintiffs submits that though, according to the report of the chartered valuer, the occupational charges of the suit property should be Rs. 19,000/- per month but the appeal Court below did not assess the occupational charges at the said rate, which signifies that the assessment of the appeal Court below is not based on the said report alone.

Heard learned advocate for the parties, perused the materials on record.

The Appeal Court below though has referred the said report of the valuer but has taken other factors e.g. the location of the suit property,

benefits attached to it in fixing the rate of occupational charges. The suit property is comprised of four rooms, kitchen, bath and privy and a

Courtyard at Padmapukur East Lane, Police Station – Watgunge, Kolkata – 700 023. In view of the area comprised in the suit property and the location of it, the assessment of the occupational charges at the rate of Rs. 12,000/- per month is not unjust.

The order impugned, therefore, does not call for any interference, C.O. 2358 of 2024 is dismissed without any order as to costs.

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