

S/L 5
01.8.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 2660 of 2024

Smt. Pratima Paul
Vs.
Smt. Alpana Kundu & Ors.

Mr. Dyutiman Banerjee
Mr. Debayan Ray

...for the Petitioner.

Mr. Sandip Ghosh
Mr. Partha Sarkar

...for the Opposite Party Nos.1-3.

The plaintiffs/opposite parties being the decree holders have put the decree of eviction into execution, which gives rise to *Title Execution Case No.08 of 2007* pending before the 5th Court of learned Civil Judge (Junior Division), Howrah.

The petitioner in the said Execution Case has filed an application for determination of her independent right, title, interest over the suit property under Order XXI Rules 97 to 101 of the Code of Civil Procedure.

The said application has been registered in as *Misc. Case No.210 of 2016*. The petitioner aggrieved by refusal of the executing Court to stay the further proceeding of the execution case during the pendency of the said Misc. Case had preferred a revisional application being *CO 755 of 2023* which was disposed of by the order dated January 29, 2024 by staying the further proceedings of the said Execution Case, subject to deposit of one-time occupational charges of Rs.50,000/- with the executing Court within three weeks from the date of the said order.

The petitioner defaulted in depositing the said amount, in consequence thereof, the Executing Court by the order

impugned dated March 15, 2024 has refused the prayer of the petitioner for stay of further proceeding(s) of the Execution Case.

The petitioner admittedly has defaulted in depositing the one-time occupational charges, but even thereafter arrested the further proceeding(s) of the Execution Case by praying adjournments, thereby, has caused injury to the decree holders, which must be compensated with the extension of time to deposit the said one-time occupational charges.

The time to deposit the one-time occupational charges of Rs.50,000/- is extended for a period of **fourteen days from date**, subject to payment of costs of Rs.50,000/- to the decree holders within the said period.

In the event the payments as aforesaid are made, the further proceeding(s) of the aforementioned Execution Case shall remain stayed till the disposal of the said Misc. Case, but in default in making any of the payments as directed above, the order of stay hereby granted shall automatically stand vacated without any reference to the Court, and the decree will be executable at once.

CO 4139 of 2023 is disposed of with the above terms.

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 of all requisite formalities.

(Biswajit Basu, J.)