

In The High Court At Calcutta
Civil Revisional Jurisdiction
C.O. 2693 of 2024

The State of West Bengal & Anr.

Vs.

Shivani Properties Private Limited

Mr. Anirban Ray, Ld. G.P., (v.c.),
Mr. Biswabrata Basu Mallick, AGP,
Mr. Debraj Sahu,
Mr. Debangshu Dinda ... For the petitioners/State.

Mr. Krishnaraj Thakur,
Mr. Rahul Karmakar,
Mr. Suman Majumder ... For the opposite party.

The petitioners have suffered a decree of eviction. The said decree was put into execution, giving rise to Execution Case No. 08 of 2017 before the learned Judge, Bench – II, Presidency Small Causes Court at Calcutta.

In the said execution case the decree-holder, the opposite party herein had filed an application for police assistance under Order XXI Rule 97 of the Code of Civil Procedure being Misc. Case No. 84 of 2017. The executing Court by the order dated April 18, 2024 had allowed the said application, aggrieved thereby, the petitioners have preferred the connected Miscellaneous Appeal No. 16 of 2024.

The learned Chief Judge, City Civil Court at Calcutta by the order impugned has directed the petitioners to deposit a sum of Rs. 1 crore as the condition for grant of stay of the operation of the order granting such police help.

The said order is under challenge in the instant application under Article 227 of the Constitution of India. During the pendency of the revisional application, an order of stay of the operation of the decree under execution has been passed on August 05, 2024 in S.A. 159 of 2017 subject to deposit of a sum of Rs. 10 lakhs with the learned Registrar-General of this Court by August 27, 2024.

Mr. Basu Mallick, learned AGP submits that the said amount would deposited within the time so specified.

In view of the said development, challenge to the order impugned has become infructuous.

C.O. 2693 of 2024 is disposed of with the above terms without any order as to costs.

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.)