

12.08.2024
Item No.15, DL
Ct.19
A.J.

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

**C.O. 2828 of 2024
Md. Mahiruddin Mondal
-Vs-
Manik Mondal & Ors.**

Mr. Asis Bhattacharyya.
.....for the petitioner.

The petitioner has suffered a decree of eviction and aggrieved thereby has preferred an appeal but the said appeal since has been dismissed for default, the petitioner has taken out an application for restoration of it which has been registered as Misc. Case No. 07 of 2023.

In the meantime the said decree has been put into execution giving rise to the connected Title Execution Case No. 13 of 2016 before the learned Civil Judge (Junior Division) at Bangaon, District : 24-Parganas (North).

The petitioner in the said execution case had filed an application for stay of all further proceedings of it till the disposal of the said misc. case.

The Executing Court by the order impugned dated July 22, 2024 has allowed the said application but has directed payment of occupational charges @Rs.5,000/- per month as the condition for grant of such stay.

The rate of occupational charges so fixed does not appear to be exorbitant, in view of the

nature of the decree this Court is not inclined to interfere with the order impugned.

C.O. 2828 of 2024 is dismissed without any order as to costs.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)