

*In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)*

C.O. 2877 of 2024

**Smt. Baby Das & Ors.
Vs.
Sri Shibram Balial @ Shiba Ram Balial & Ors.**

Mr. Pinaki Ranjan Mitra,
Mr. Sugata Mukhopadhyay ... For the petitioners.

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. Rudranil Das,
Mr. Soumava Santra ... For the opposite parties.

The petitioners have suffered a decree of eviction in Title Suit No. 103 of 1991 and has preferred the connected Title Appeal No. 132 of 2023, which is pending before the learned District Judge at Howrah.

The appeal Court below by the Order No. 07, dated July 08, 2024 has fixed the occupational charge @ Rs. 4,000/- per month as a condition for grant of stay of the execution case levied to execute the decree under appeal.

Mr. Mitra, learned advocate for the petitioners submits that the rate of occupational charge is disproportionate with the condition of the suit property and the amenities attached thereto.

The suit property is situated at Chatterjee Para Lane, Howrah – 711 101, almost at the heart of the city of Howrah besides the suit was filed on the ground of reasonable requirement in the year 1991 and was ultimately decreed in the year 2023, considering all these aspects this Court is not inclined to interfere with the order impugned, particularly when such payment has been directed not from the date of decree but from the date of the order impugned.

C.O. 2877 of 2024 therefore is dismissed 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.)