

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 3518 of 2022

Smt. Umarani Saha
Vs.
Smt. Anjali Mondal & Ors.

Mr. Ayan Banerjee
Mr. Sutanu Karmakar
... For the petitioner

Mr. Siba Prosad Ghosh
... For the opposite parties

1. This revisional application has been filed challenging the Order No.3 dated 28th July, 2022 whereby the learned Additional District Judge, Fast Track Court-IV, Barrackpore sitting in appeal in connection with Title Appeal No.8 of 2022 stayed the operation of the impugned judgment and order passed in connection with Title Suit No.258 of 2014 till the disposal of the appeal.

2. Learned counsel appearing on behalf of the petitioner has submitted that a blanket order of stay was passed by the learned Appellate Court without giving any direction of depositing occupational charge.

3. Learned counsel appearing on behalf of the opposite parties conceded the prayer advanced on behalf of the petitioner.

4. It is settled proposition of law that before granting stay by the learned Appellate Court against any judgment

and decree passed by the learned Trial Court, direction to pay occupational charge is *sine qua non*.

5. In the aforesaid view of the matter, the Order No.3 dated 28th July, 2022 passed in connection with Title Appeal No.8 of 2022 stands set aside, with a direction upon the learned Appellate Court to ascertain the occupational charge and consider the prayer for stay of operation of the impugned judgment.

6. Learned Additional District Judge, Fast Track Court-IV, Barrackpore, is requested to dispose of this application within one month from date of communication of a copy of this order.

7. After disposal of the issue, the learned Additional District Judge, Fast Track Court-IV, Barrackpore is also directed to dispose of the appeal as expeditiously as possible, without giving any unnecessary adjournment to any of the parties to the appeal.

8. With the aforesaid observation, the revisional application, being CO 3518 of 2022, stands disposed of.

9. Learned counsel appearing on behalf of the petitioner is at liberty to bring this order to the notice of the learned Additional District Judge, Fast Track Court-IV, Barrackpore, forthwith.

10. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)