

Court No. 6
(265719)

01.05.2025
(AD 37)
(S. Banerjee)

CO 1462 of 2025

Pankaj Kumar Nayak
Vs.
Krishna Sarkar & Anr.

Mr. Rwitendra Banerjee
Mr. Aditya Roy

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant no. 1 and is directed against an order being dated March 25, 2025 passed by the learned Civil Judge (Jr. Division) 3rd Court at Alipore in Misc. Case No. 49 of 2025. By the order impugned the petitioner was directed to pay occupation charges as condition for passing an order of stay of the ejectment execution case.

Mr. Banerjee, learned advocate for the petitioner submits that the market rate of occupation charges of a similar premises in the same locality is much less than the rate of the occupation charges fixed by the learned trial judge.

This Court finds that the learned trial judge passed an order of interim stay. The direction for

service upon the opposite party was also passed by the impugned order.

It will be open to the petitioner to make submissions with regard to the market rate of occupation charges at the time of contested hearing of the stay application.

With the above observations and directions CO 1462 of 2025 stands disposed of.

(Hiranmay Bhattacharyya, J.)