

Sl.12
18.09.2025
Court No.6
BP

C.O. 1982 of 2025
With
CAN 1 of 2025

Sekh Kutubuddin
-versus-
Panchanan Das

Mr. Jit Ray
Mr. Aharnish Ghosh
... for the petitioner

Mr. Arijit Sarkar
..for the opposite party

Though this matter is appearing under the heading “Extension of Interim Order”, with the consent of the learned advocates for the respective parties the main civil revisional application is taken up for hearing.

This application under Article 227 of the Constitution of India is at the instance of the appellant in Title Appeal No. 50 of 2022 and is directed against an order dated December 5, 2023 passed by the learned Additional District Judge, Fast Track Court No.1, Barasat.

By the order impugned the prayer for stay was rejected.

The learned advocate appearing for the petitioner submits that unless the further proceedings of the execution case is stayed the appeal would become infructuous.

The learned advocate appearing for the opposite party submits that the petitioner has suffered a decree

for eviction which is under challenge before the learned judge of the 1st appellate court in an appeal filed under Section 96 of the Code of Civil Procedure. He further submits that the petitioner cannot be allowed to enjoy the property in question without payment of any occupational charges.

Heard the learned advocates for the parties and perused the materials placed.

By an order dated 13th June, 2025 this Court passed an order of stay of the execution case subject to the condition that the petitioner shall pay a consolidated amount of Rs. 50,000/- on account of occupational charges within the time limit indicated in the said order. It is not in dispute that the said amount on account of occupational charges has been duly paid by the petitioner to the opposite party.

The learned advocate appearing for the opposite party submits that the hearing of the title appeal be expedited and the petitioner be directed to pay occupational charges.

Considering the fact that the appeal is otherwise ready for hearing and the next date for hearing of the appeal is fixed sometimes in the month of November, 2025, this Court is inclined to pass an order of stay of the execution case subject to deposit of a further consolidated amount of Rs. 40,000/- on account of occupational charges. The aforesaid amount shall be

paid on or before the end of the month of November, 2025.

There shall be an order of stay of all further proceedings in Title Execution Case No. 3 of 2023 pending before the learned Civil Judge (Junior Division), 1st Court at Barasat till the end of the month of June, 2026 or till the disposal of the Title Appeal No. 50 of 2022 whichever is earlier subject to payment of a consolidated amount of Rs. 40,000/- on or before the end of the month of November, 2025.

It is, however, made clear that in the event the petitioner fails to pay the said amount within the time limit indicated hereinbefore the order of stay shall automatically stand vacated without any further reference to this Court.

The learned Additional District Judge, Fast Track Court No.1, Barasat is requested to make an endeavour to dispose of Title Appeal No. 50 of 2022 as expeditiously as possible but preferably on or before the end of the month of June, 2026 without granting any unnecessary adjournments to either of the parties.

If for any reason whatsoever the appeal cannot be disposed of within the time limit indicated hereinbefore, the petitioner will be at liberty to pray for extension of the order of stay and upon payment of occupational charges that may be fixed by the learned judge of the appellate court after hearing the respective parties.

With the above observations, C.O. 1982 of 2025 stands disposed of. In view of the order passed in the civil revisional application the application being CAN 1 of 2025 stands disposed of.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)