

20. 23.06.2025
Court No.6
(Tanmoy)

CO/2144/2025

SRI BULU GHOSH
VS
SRI TAPAS KR GHOSH

Mr. Debasish Roy, Ld. Sr. Adv.
Ms. Indrani Nandi

... for the petitioner.

1. This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order being no.5 dated May 7, 2025, passed by the learned District Judge (in-charge), South 24-Parganas at Alipore, in Title Appeal No.150 of 2024. By the order impugned the further proceedings of the execution case was stayed subject to payment of occupation charges.

2. Mr. Roy, learned Senior Advocate appearing for the petitioner, submits that the suit was for eviction of a licensee and the parties are brothers. He submits that the rate of occupation charges is an exorbitant one.

3. This Court finds that the learned Judge of the First Appellate Court also took note of the decision of the Hon'ble Supreme Court in the case of *Atma Ram Properties (P) Ltd. v. Federal Motors (P) Ltd.*, reported at (2005) 1 SCC 705.

4. Considering the location of the suit property and the extent of occupation by the petitioner, this Court is not inclined to interfere with the amount of occupation charges fixed by the learned Judge of the First Appellate Court.

5. Accordingly, the civil revisional application being CO/2144/2025 stands dismissed. However, there shall be no order as to costs.

6. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(HIRANMAY BHATTACHARYYA, J.)