

25.09.2025

Court No.25

Sl. No.60  
Mujahid

**CO 1855 of 2022**

Sri Devraj Agarwal  
Vs.  
Sri Shiv Shankar Goyal

Mr. Pratyush Patwari,  
...for the petitioner

Mr. Somnath Roy Chowdhury,  
Mr. Vijay Verma  
...for the opposite party

**1.** Present petition has been filed challenging the order dated 18<sup>th</sup> April, 2022 passed by the learned Additional District Judge, F.T.C.-I, Howrah.

**2.** The petitioner is aggrieved of the order passed by the learned first appellate court that the conditional stay was granted on the operation of the eviction dated 17<sup>th</sup> March, 2022 passed in Title Suit No.1236 of 2017 subject to payment of meager provisional occupation charges, at the rate at which rent was being paid by the tenant.

**3.** Learned counsel for the petitioner has contended that occupational charges should have been ordered to be paid at the market rent.

**4.** During the course of submissions, learned counsel for the petitioner has fairly submitted that petition may be disposed of with a direction to the learned trial court to decide the occupational charges

on the basis of evidence being led by the petitioner/landlord before the learned first appellate court.

**5.** Liberty is granted.

**6.** Let the contention regarding quantum of occupational charges is kept open. The parties shall be at liberty to raise all the contentions before the learned trial court.

**7.** Accordingly, the petition is disposed of with a direction to the learned first appellate court to entertain the application for deciding the occupational charges being filed by the petitioner/landlord. The learned trial court shall decide the matter expeditiously in accordance with the law.

**8.** It is made clear that while deciding this, the learned trial court shall take into account all the objections being raised by the opposite party/tenant.

**9.** All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**10.** Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Dinesh Kumar Sharma, J.)**