

Court No. 6
(265719)

22.07.2025
(AD 16)
(S. Banerjee)

CO 2579 of 2025

Sri Somenath Das & Ors.
Vs.
Smt. Mina Rani Karmakar

Mr. Prantick Ghosh
Mr. Prasad Bhattacharyya
... for the petitioners
Mr. Prabir Adhya
Ms. Madhumanti Chakraborty
... for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the respondent in Misc. Appeal No. 67 of 2025 and is directed against order on. 3 dated June 17, 2025 passed by the learned Additional District Judge, FTC-2, at Barrackpore. By the order impugned the execution case was stayed till the next date fixed subject to payment of occupation charges.

Learned advocate appearing for the petitioners submits that the execution case was stayed without passing a direction for payment of occupation charges.

Heard the learned advocates for the opposite party on such submission.

After going through the order impugned, this court finds that the learned Judge of the appellate

court has passed an order of stay of Title Execution case till the next date fixed subject to payment of occupation charges of Rs. 6,000/- as a condition for grant of stay.

It appears from the impugned order that September 20, 2025 is the next date fixed in the appellate court.

It is, however, made clear that it will be open to the petitioners to file an application for payment of occupation charges as a condition for grant of stay.

The opposite party will also be at liberty to file an objection to such application, if any, filed by the petitioner herein.

The learned Judge of the first appellate court shall consider the application for payment of occupation charges before extending the order of stay on the next date.

With the above observations CO 2579 of 2025 stands disposed of without, however, any order as to costs.

(Hiranmay Bhattacharyya, J.)