

Sl.32
28.07.2025
Court No.6
BP

C.O. 2684 of 2025

Mr. Ekbal Ahmed & Ors.
-versus-
Sarwari Begum & Ors.

Mr. Debnath Ganguly
Mr. Dibyendu Kumar Pal
Mr. Diptendu Kumar Pal
Mr. Supriyo Dutta
... for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the decree holder and is directed against an order dated 5th April, 2025 passed by the learned Civil Judge (Junior Division), 2nd Additional Court, Alipore in Ejectment Execution Case No. 72 of 2018.

The learned advocate appearing for the petitioner submits that though the opposite parties have not complied with the directions contained in the order dated 20th February, 2019 passed by the learned Additional District Judge, 13th Court at Alipore in Ejectment Appeal No. 4 of 2017 by paying the occupational charges the stay order automatically stood vacated and the learned executing court should be directed to proceed with the execution case.

After going through the order dated 20th February, 2019 passed in the Ejectment Appeal No.4 of 2017 this Court finds that the ejectment execution case

was stayed till the disposal of the Ejectment Appeal No.4 of 2017. It is not in dispute that the ejectment appeal is still pending. After going through the order dated 20th February, 2019 this Court finds that direction was passed upon the opposite parties to pay occupational charges to the petitioners herein from the date of the decree.

The learned advocate appearing for the petitioners however submits that the opposite parties have not paid occupational charges in terms of the order dated 20th February, 2019.

In the light of the submissions made by the learned advocate for the petitioners, C.O.2684 of 2025 stands disposed of with liberty to the petitioners to take appropriate steps before the appropriate forum in accordance with law.

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.)