

Sl.36
22.09.2025
Court No.6
BP

C.O. 2982 of 2025

Dibyendu Mandal
-versus-
Smt. Rinku Pal & Ors.

Mr. Tanoy Chakraborty
Mr. Debsoumya Basak
Mr. Viswajit Neogi Dasgupta
... for the petitioner

Mr. Abir Lal Chakraborty
..for the opposite parties

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated August 1, 2025 passed by the learned Civil Judge (Junior Division), 2nd Court, Bardhaman in Title Execution Case No. 17 of 2024.

By the order impugned the police help was allowed for execution of the decree. This Court by an order dated 14th August, 2025 passed an interim order for a limited period upon condition that the petitioner shall deposit a sum of Rs. 30,000/- before the executing court on or before August 22, 2025.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the directions contained in the said order has already been complied with and the said amount has been deposited on August 20, 2025.

Such fact is not disputed by the learned advocate for the opposite parties.

Mr. Chakraborty, learned advocate for the petitioner submits that second appeal being SAT No. 218 of 2025 has already been filed and the same is expected to be taken up for hearing under the provisions of Order 41 Rule 11 of the Code of Civil Procedure any day.

However, considering the fact that few working days are left before the vacation, Mr. Chakraborty prays for extension of the interim order for a limited period in order to enable the petitioner to move his appeal in the meantime.

Such submission is seriously opposed by Mr. Chakraborty, learned advocate for the opposite parties. He submits that the petitioner can get his appeal heard well before the vacation if the petitioner chooses to do so.

However, taking into consideration the fact that only a few working days are left before this Court will be closed on account of puja vacation, this court is inclined to extend the interim order for a further period subject to payment of further occupational charges of Rs. 30,000/- to be deposited by the petitioner before the executing court on or before September 26, 2025.

There shall be an order of stay of operation of the order impugned as well as all further proceedings of the Title Execution Case No. 17 of 2024 pending before the learned Civil Judge (Junior Division), 2nd Court, Bardhaman till the end of the month of November, 2025 or until further orders whichever is earlier.

If the amount is not deposited within the time limit mentioned hereinbefore the order of stay shall automatically stand vacated without any further reference to this Court.

The petitioner will be at liberty to move the second appeal in the meantime.

The petitioner will be at liberty to communicate the gist of this order to the learned executing court and the learned executing court shall act on the basis of such communication.

With the above observations, C.O. 2982 of 2025 stands disposed of.

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.)