

Court No. 6  
(265719)

**28.07.2025**  
(AD 2)  
(S. Banerjee)

CO 3279 of 2024

Debaprasanna Jash & Ors.  
Vs.  
Sitaram Jash

CAN 1 of 2025  
CAN 2 of 2025

Mr. S. T. Mina  
Mr. Prantick Sardar

...for the petitioners

Mr. Asit Kumar De  
Ms. Susmita Senapati

...for the opposite party

**Re: CAN 2 of 2025**

The original application is not in file.

It has been submitted by the learned advocate appearing for applicant that the application has been filed before the learned Lawazima Court.

The Assistant Court Officer is directed to call for the said application and to tag the same along with the record of this case.

CAN 2 of 2025 is an application for substitution upon the death of the opposite party.

It has been stated in the said application that the opposite party died intestate on December 21, 2024 leaving behind him surviving his heirs and

heiresses as specifically stated in paragraph 5 of the said application.

After considering the averments made in the application and upon hearing the learned advocates for the respective parties, this court finds that the right to sue survives against the heirs and heiresses of the deceased opposite party.

In view thereof, the application for substitution stands allowed.

The heirs and heiresses of the deceased opposite party is/are substituted in place and stead of the deceased opposite party herein.

The department is directed to amend the cause-title of the civil revision application within a week from date.

Accordingly, CAN 2 of 2025 stands allowed.

**Re: CAN 1 of 2025**

This is an application for addition of the heirs and heiresses of the deceased opposite party.

In view of the order passed in CAN 2 of 2025 above, no further order is required to be passed in this application.

Accordingly, CO 1 of 2025 stands disposed of.

**Re: CO 3279 of 2024**

With the consent of the parties the main civil revision application is taken up for immediate consideration by treating the same as on the day's list.

This application under Article 227 of the Constitution of India is at the instance of the substituted defendant and is directed against an order being no. 14 dated March 21, 2024 passed by the learned Civil Judge (Sr. Division), Arambagh, Hooghly in Title Suit No. 6 of 2023.

By the order impugned, the prayer for stay of all further proceedings of the judgment and decree passed in Title Suit No. 21 of 2016, stood rejected.

Learned advocate appearing for the petitioners submits that the petitioners filed an application for stay of all further proceedings in Title Execution No. 4 of 2023 pending before the learned Civil Judge (Jr. Division) 2<sup>nd</sup> Court at Arambagh, Hooghly.

Learned advocate appearing for the opposite party submits that he has instructions not to pray for any occupation charges but submits that the hearing of the title appeal may be expedited.

The predecessor-in-interest of the substituted opposite parties herein filed a suit for recovery of possession against the petitioners herein being Title Suit No. 21 of 2016. The learned Civil Judge (Jr. Division) 2<sup>nd</sup> Court at Arambagh by a judgment and decree dated February 28, 2023, decreed the said suit by holding that the plaintiff is entitled to get possession of the suit premises described in ka-1 schedule property in favour of plaintiff within the period of 60 days from the date of the judgment, failing which the plaintiff was given liberty to execute the same in accordance with law.

Being aggrieved by the said judgment and decree, the petitioners herein have preferred an appeal being Title Appeal No. 6 of 2023 which is pending before the learned Civil Judge (Sr. Division), Arambagh, Hooghly.

Since the defendant did not quit and vacate within the time limit indicated in the said decree, the decree was put into execution giving rise to Title Execution Case No. 4 of 2023 which is pending before the learned Civil Judge (Jr. Division) 2<sup>nd</sup> Court at Arambagh.

After hearing the learned advocates for the respective parties this court is of the considered view that unless the further proceedings of the execution

case is stayed, the title appeal would become infructuous.

In the light of the submissions made by the learned advocate appearing for the opposite party that the opposite party is not interested to claim occupation charges but wants an expeditious disposal of the title appeal, this court is of the considered view that ends of justice would be sub-served if the learned Judge of the first appellate court is directed to dispose of the title appeal expeditiously.

There shall be an order of stay of all further proceedings in Title Execution Case No. 4 of 2023, pending before the learned Civil Judge (Jr. Division), 2<sup>nd</sup> Court at Arambagh till the disposal of the Title Appeal No. 6 of 2023.

In view of this order, nothing remains to be adjudicated in the application for stay of all further proceedings of title execution case which is pending before the learned judge of the first appellate court and the same stands disposed of accordingly.

It has been uniformly submitted by the learned advocates for the respective parties that the title appeal is otherwise ready for hearing.

In the light of the submissions made by the learned advocate appearing for the respective parties,

CO 3279 of 2025 stands disposed of by requesting the learned Civil Judge (Sr. Division), Arambagh, Hooghly to make an endeavour to dispose of Title Appeal No. 6 of 2023 as expeditiously as possible, preferably within a period of six months from the next date fixed, without granting any unnecessary adjournment to either of the parties.

**(Hiranmay Bhattacharyya, J.)**