

05.03.2025
DL.185
Court No.22
S. Gayen

CO 3453 of 2022

**Sri Kartik Chandra Rakshit
Versus
Sri Swapna Sen & Ors.**

Mr. Falguni Bandyopadhyay
Ms. Sreetama Neogi
Ms. Riya Ballav

...for the Petitioner

Mr. Somnath Mukhopadhyay

...for the Opposite Party Nos. 3 to 6

1. Affidavit of service filed by the petitioner is taken on record.
2. Both the learned counsel appearing on behalf of the parties are present.
3. This revisional application has been filed assailing the order dated 7th June, 2022 in connection with Title suit No. 101 of 2018, wherein the learned Civil Judge (Senior Division), Sealdah disposed of an application under Section 151 of the Code of Civil Procedure dated 8th February, 2019 seeking direction upon the defendant to deposit occupational charges at the rate of Rs. 15,000/- per month.
4. From the record, it appears that the learned Judge disposed of the application seeking occupational charges by the order which runs as follows:-

“... Heard the submission of the ld. Advocates at length. Perused the petition and materials on record.

This Court is of the considered view that plaintiff is not entitled to occupation charge from the defendant no. 3 a, b and c...”

5. From the aforesaid order, I do not find any reason leading to the ultimate findings of rejection by the learned Trial Judge.
6. In that view of the matter, the order rejecting the application dated 8th February, 2019 under Section 151 of the Code of Civil Procedure cannot be said to be a judicial order.
7. The order dated 7th June, 2022 in respect of rejection of an application dated 8th February, 2019 under Section 151 of the Code of Civil Procedure stands set aside with a direction upon the learned Trial Judge to dispose of the application by recording an order supported by reason, obviously after giving an opportunity to the parties to the suit as expeditiously as possible, preferably within four weeks from the date of communication of this order.
8. With the aforesaid observations and directions, the revisional application stands disposed of.
9. Interim order, if any, stands vacated and connected application, if any, also stands disposed of accordingly.

10. Parties at liberty to intimate the order to the learned Trial Judge forthwith.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
12. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all requisite formalities.

(Bibhas Ranjan De, J.)