

D/L13  
24.11.2025  
Rohit  
ct.no.6

**IN THE HIGH COURT AT CALCUTTA  
CIVIL REVISIONAL JURISDICTION  
APPELLATE SIDE**

**CO 3983 of 2025**

**Bishu Debnath  
Versus  
Mira Paul &Ors**

Mr. Sourav Sen, Sr. Adv  
Ms. Subhangi Bhattacharya  
...for the Petitioner

Mr. A. Khan  
Mr. Pronojit Roy  
...for the Respondent No. 1

1. The order impugned is set aside. By the order dated November 3, 2025, the learned Civil Judge (Junior Division), Bongaon, District – 24 Parganas, North directed the defendant in the suit, i.e., judgment-debtor no.6, to pay occupational charges on the principles laid down in ***Atma Ram properties (P) Ltd.-Vs. Federal Motors (P) Ltd.*** reported in ***2004 (1) SCC 705***.
2. It is an admitted fact that the suit has been decreed. The appeal therefrom has been dismissed. The judgment-debtor is not enjoying any stay of the execution. The execution case is continuing. Under such circumstances, the question of payment of mesne profits or occupational charges does not arise.

3. The suit for eviction did not also contain any relief for mesne profits. The learned executing court is directed to dispose of the execution case within three months from the date of communication of this order, considering that the same is pending since 2003.
4. Accordingly C.O 3983 of 2025 stands disposed of.
5. Urgent certified website copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

***(Shampa Sarkar, J.)***