

Item No.17
24.11.2025
Court. No. 6
GB

C.O. 3998 of 2025

Krishna Kumar Singh
Vs.
Smt. Sandhya Rani Manna & Ors.

Mr. Aditya Mondal,
Mr. Washim Akthir Dafadar

...for the Petitioner.

1. The petitioner is aggrieved by an order dated September 17, 2025, passed by the learned Additional District Judge, 13th Court at Alipore, District – South 24 Parganas in Ejectment Appeal No.10 of 2023.
2. By the order impugned, the learned court rejected an application for reassessment of the occupational charges in respect of the suit property. The petitioner is the appellant in Ejectment Appeal No.10 of 2023. He suffered a decree of eviction. While granting stay of operation of the judgment and decree, the learned appellate court directed occupational charges to be paid at the rate of 12,000/- per month according to the English calendar month, with effect from the date of passing of the decree for eviction, i.e., November 18, 2022. The court directed that the operation of the judgment and decree dated November 18, 2022 shall remain stayed till disposal of the appeal, provided the occupational charges, as directed are paid.
3. The order was challenged before this Court in CO 2358 of 2024 by the petitioner. The High Court held that although the chartered valuer of the opposite parties

had valued the occupational charges payable in respect of the property at Rs.19,000/- per month, but the appeal court did not totally rely on the same and reduced the amount considerably to Rs.12,000/- per month. The High Court held that the appeal court applied her mind in determining what should be the legitimate occupational charges.

4. According to the learned appeal court, the occupational charges computed by the valuer was too high. Considering the location of the premises, the benefit of the location, the surrounding areas and the number of rooms occupied by the petitioner, the amount was fixed at Rs.12,000/- per month.
5. The learned advocate for the petitioner/defendant no.1/appellant, submits that after the proceedings were over before the learned appellate court and before the High Court, a valuer was appointed by the appellant and the said valuer has arrived at Rs.6012.84/- as the reasonable rent for the premises. The valuer came to the finding that the suit property measured around 563 sq. ft. carpet area and the valuation would be Rs.10.68 per sq. ft. per month.
6. Relying on such valuation report, the learned appellate court was once again approached by an application. The court was of the view that the order dated June 10, 2024, directing payment of Rs.12,000/- as occupational charges, was upheld by the Hon'ble High Court. Further that, the High Court had recorded that

the appeal court did not solely rely on the report of the valuer, but came to a specific finding with regard to the location, the benefit attached to the location, the number of rooms occupied by the petitioner and had arrived at the figure of Rs.12,000/-.

7. Considering the decision of ***Atma Ram Properties (P) Ltd. versus Federal Motors (P) Ltd.*** reported in ***2005 (1) SCC 705***, the learned appellate court came to the finding that, it had the discretion to put the tenant or occupier on such reasonable terms as it deemed fit and proper.
8. The appeal court considered the age of the premises, the physical condition, the rents of surrounding premises and arrived at the amount. The location of the premises is Padmapukur East Lane. It is in the hub of Kolkata. The proximity of the said place to all hospitals, market places, etc., were taken note of. It is a vibrant commercial area. The fact that the petitioner was occupying four rooms in the said area was considered and accordingly, the application was rejected.
9. First and foremost, after the entire proceeding was disposed of before the learned appellate court and after the order was upheld by the High Court, reassessment of the occupational charges cannot be permitted at the instance of the petitioner. The order of the learned appellate court dated June 6, 2024 was not solely based on the report of the valuer. The High Court

recorded that the said order was passed upon taking note of other factors like the condition of the premises, the location of the premises, the benefit attached to the location of the premises, the number of rooms in occupation of the petitioner and, thereafter, a reasonable approach was taken by the learned appellate court. The amount of Rs.12,000/- per month as occupational charges was awarded, and the High Court affirmed such order.

10. The matter has reached its finality. This Court finds that the entire exercise of the petitioner to get the property reassessed by his own appointed valuer was only to render the orders of the learned appellate court and the High Court as redundant. This practice cannot be permitted.
11. Under such circumstances, there is no scope for reassessment of the occupational charges.
12. Accordingly, the application is dismissed.
13. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)