

24.11.2025
SL No.30
Court No.6
(gc)

CO 4016 of 2025

**Kishanlal Poddar
Vs.
Bloomfield Buildcon Pvt. Ltd. & Ors.**

Mr. Aniruddha Chatterjee, Sr. Adv.,
Mr. Anurag Bagaria,
Mr. Parikshit Lakhotia,
Mr. Devansh Sonthalia
...for the Petitioner.

1. The petitioner is the decree-holder. This is an application challenging the order dated August 2, 2025 passed by the learned District Judge, South 24-Parganas at Alipore in Misc. Case No.330 of 2025 and the order dated September 2, 2025 passed by the District Judge, in-charge in the said Misc. case. The petitioner contends that the said application for transfer of Misc. Case No.16 of 2023 from the Court of the learned Civil Judge, 1st Court at Sealdah to the Court of any Civil Judge at Alipore or Sealdah Court, was filed with malafide intention. The petitioner claims to have filed a written objection to such application. On the first day, such application was entertained and stay of Title Execution Case No.103 of 2018 which is pending before the learned Civil Judge, Junior Division, 1st Court at Sealdah was granted till September 2, 2025. On the next day, the said interim order was extended and the opposite

party was directed to file requisites for issuance of notice upon some of the parties.

2. Mr. Aniruddha Chatterjee, learned Senior Advocate submits that the learned Court granted a stay without taking into account that the execution case could only be stayed upon payment of the occupational charges as was directed by the learned Civil Judge, Junior Division, 1st Court at Sealdah. Such amount was not being paid. A blanket stay of the execution case could not have been passed and such order was in conflict with the order already passed by another competent Court.
3. This Court is of the view that the objection as raised herein, should be raised before the learned District Judge or the Judge-in-Charge taking up the transfer application and the said issue should be decided by the Judge upon taking note of the order dated June 22, 2023 passed in Misc. Case No.16 of 2023.
4. The learned Civil Judge (Jr. Divn.), 1st Court at Sealdah had made the order of stay of Title Execution Case No.103 of 2018 conditional, upon payment of occupational charges of Rs.20,000/- per month, which was payable by the judgment-debtor from the date of the ex parte decree.
5. The hearing of the transfer application shall be expedited and if the same cannot be disposed of

due to service not being complete, the issue of conditional stay shall be taken into consideration before the stay is further extended.

6. Accordingly, the revisional application is disposed of.
7. There shall be no order as to costs.
8. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)