

03.03.2025

Sl. No.: 204
Court No.30
BM

C.O. 4000 of 2024

Subrata Bose & Anr.
Vs.
Rita Agarwala

Mr. Arijit Sarkar
Ms. P. Dev

... for the petitioners

1. Affidavit of service filed showing that the service could not be effected and the endorsement noted as 'not known'.
2. In the instant revision the petitioner has challenged the order dated 24.09.2024 passed by the learned Additional District & Sessions Judge, FTC-II, Sealdah in Title Appeal No.12 of 2023 wherein the Appellate Court considering the application of the Judgement Debtor under Section 151 of the Code of Civil Procedure stayed the Judgment and Decree in appeal. The plaintiff decree holder is before this court being aggrieved that the court did not consider making necessary direction for occupational charge as the decree obtained by the petitioner is decree for eviction.
3. On hearing the learned counsel for the petitioner and on perusal of the order under challenge the order dated 24.09.2024 is modified to the extent that the Judgement Debtor/Appellant shall pay occupational charge to the extent of

Rs.7,000/- (Rupees Seven Thousand) per month to the Decree Holder/Respondent from September, 2024 (date of order under challenge) till the disposal of the appeal.

4. The appellate court is also directed to dispose of the appeal preferably within a period of sixty days from the date of communication of this order considering the nature of decree challenged.

5. The revisional application stands disposed of.

6. Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)