

Item No. 3
15.12.2025
Court. No. 6
GB

C.O. 4225 of 2025

Rajiv Khanna & Ors.
Vs.
Smt. Subrata Basu & Ors.

*Mr. Aniruddha Chatterjee, Sr. Adv.,
Mr. Rachit Lakhmani,
Mr. Emon Bhattacharya,
Ms. Pooja Sah,
Mr. Shubhankar Dutta,
Ms. P. Lakhotia*

...for the Petitioners.

Ms. Sonali Mukhopadhyay

...for the Opposite Parties.

1. By an order dated November 28, 2025, the learned Civil Judge (Senior Division), 2nd Court at Barasat rejected an application for stay of Title Execution Case No.9 of 2024. The court held that, without giving an opportunity to the opposite parties to oppose the stay application, the prayer for stay could not be granted. However, the learned court rejected the application without any reason.
2. The learned advocate for the opposite parties submits that there was no ground for stay of the execution of the decree as there is no stay order from a superior forum.
3. In my view, the learned court ought to have kept the application pending and decided the same on merits, upon contested hearing. The learned court was within its jurisdiction and/or discretion to deny the stay, but such denial ought to have been accompanied by reasons.

4. Under such circumstances, the order impugned is set aside. The learned court is directed to hear the application for stay on its own merits, upon hearing the opposite parties and pass necessary orders. This Court has not made any comment on the merits. It is open for the opposite parties to urge before the learned court that the stay application did not merit any order.
5. The petitioner will be at liberty to file a put up petition before the learned court for urgent hearing of the application for stay. The order upon the bailiff to deliver possession shall remain stayed till December 24, 2025 and will be subject to further orders from the learned executing court, whichever is earlier. The learned court is requested to dispose of the stay application within a week from date.
6. Accordingly, the revisional application is disposed of.
7. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)