

OD-18

APOT/103/2025
IA NO. GA/1/2025
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

M/S. SPECIAL STEEL AND WIRE WINGS
-VS-
SRI SRI ISWAR GAJALAKSHMI MATA THAKURANI AND ORS.

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE

The Hon'ble JUSTICE OM NARAYAN RAI
Date : 13th May, 2025.

Appearance:

Mr. Shubasish Sengupta, Adv.
Mr. Lalit Baid, Adv.
Mr. Akash Munshi, Adv.
Mr. Satyaki Mukherjee, Adv.
Mr. Tamoghna Saha, Adv.
Ms. Sanjana Shaw, Adv.
Mr. Saptrishi Banerjee, Adv.
...for the appellant

Mr. Jayanta Kumar Mitra, Sr Adv.
Mr. Abhrajit Mitra, Sr. Adv.
Ms. Radhika Singh, Adv.
Mr. Sourojit Dasgupta, Adv.
Mr. Samriddha Sen, Adv.
...for the respondent nos. 1 to 17

Mr. Sushil Kr. Mishra, adv.
Mr. Shailendra Kr. Mishra, Adv.
Ms. Sabnam Laskar, Adv.
...for the respondent no.19

Mr .Jishnu Chowdhury, Sr. Adv.
Mr. Sanjiv Kr. Trivedi, Adv.
Ms. Iram Hassan, Adv.
Mr. Sanket Sarawgi, Adv.
Ms. Yukti Agarwal, Adv.
Mr. Himanshu Bhawsinghka, Adv.
...for Marshal Sons and Company (India) Limited

The Court: By consent of the parties, the appeal and the connected application are taken up together.

On March 27, 2025, a Learned Single Judge of this Court had taken up various applications for hearing. One of such applications was GA/10/2022. This application was filed by some of the occupants of the suit premises claiming an independent right to be in possession. This is strongly disputed by the landlord/owner.

On March 27, 2025, the petitioners in GA/10/2022 sought for an accommodation. The Learned Judge recorded the following order:

“ **GA/10/2022**

8. At the time of hearing learned Advocate appearing on behalf of the petitioners in GA/10/2022 prays for an accommodation. Such prayer is opposed on behalf of the decree-holder. Learned Advocate for the judgment debtor submits further that accommodation may be granted subject to payment of cost also.

9. *On a careful consideration of the entire materials as placed before this Court it reveals that on account of pendency of this application as well as of similar types of applications the original execution case cannot be proceeded with.*

10. *In view of such while allowing the prayer for an adjournment this Court imposes a cost of Rs.2 lakhs upon the applicants which is to be deposited within three working days from today with the office of the State Legal Services Authority, West Bengal, First Floor, 2 & 3, K.S. Roy Road, Kolkata 700 001.*

11. *It is made clear that in the event the cost is not deposited within the stipulated time as fixed by this Court the instant application will be dismissed on the adjourned date for non compliance of the Court's order."*

Being aggrieved by the imposition of costs, the petitioners have come up by way of this appeal.

We have heard learned counsel for the parties.

Learned Senior Advocate representing the landlord/owner says that the appellant has no right, title or interest in respect of the suit premises. They are occupying under sub-sub lessees, that too, they were inducted after the

institution of the suit. By filing several applications, the illegal occupants like the present appellant are delaying the execution proceedings.

Learned advocate for the appellant, however, says that his client was inducted prior to institution of the suit.

We are not presently concerned with such dispute. We are of the view that Rs.2 lakh is far too high a figure. Taking a lenient view, we are inclined to reduce the amount of costs to Rs.50,000/- and we hereby do so. The other portions of the order impugned would remain unaltered.

We, however, request the Learned Single Judge to dispose of GA/10/2022 as soon as possible.

APOT/103/2025 along with IA No.GA/1/2025 are disposed of.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)