

25.02.2026
Ct. No. 06
Item 43
Cp

C.O. 101 of 2026

Lalita Shukla
Vs.
Anindya Ganguli & Anr.

Mr. Shaunak Ghosh
Ms. Shreyashi Maity

.....for the petitioner.

Mr. Sounak Bhattacharya
Mr. Sounak Mandal

.....for the opposite parties.

The petitioner is aggrieved by an order dated December 9, 2025, passed by the learned District Judge, South 24-Parganas in Ejectment Appeal No. 49 of 2025.

By the order impugned, the learned court fixed the occupational charges at Rs.20,000/- per month and directed the petitioner to pay the same along with arrears. The arrears were directed to be deposited within February 27, 2026 and the monthly occupational charges @ Rs.20,000/- per month was directed to be paid within 10th of each succeeding month.

Mr. Ghosh, learned advocate for the petitioner, submits that the learned court did not take into account the basic parameters which were required to be ascertained to come to a finding that Rs.20,000/- per

month would be the market rent the property would fetch.

Mr. Bhattacharya, learned advocate for the opposite parties/decreed holders, submits that a report prepared by the opposite parties was submitted before the court, on the basis of which the market rent would be around Rs.50,000/-. The court had allowed Rs.20,000/-, which was much below the market rent.

Having considered the rival contentions of the parties, this court is of the view that before coming to a finding as to what would be the reasonable occupational charges, the learned court was required to consider certain factors, namely, area in occupation, the quality of the construction, the condition of the tenanted portion, the locality, whether the said tenanted portion was within a commercial area, the rent fetched by other similar shop rooms within the locality and the circle rate assessed by the Kolkata Municipal Corporation. None of the above parameters were considered by the learned court.

Under such circumstances, the order impugned is set aside and the matter is remanded back for a fresh hearing. The prayer for stay shall be heard afresh.

The parties shall be allowed to file documents supported by affidavits before the learned court in respect of the market rent.

The learned court shall decide the matter within two months from the date of communication of this order.

The petitioner will continue to deposit in the executing court, a sum of Rs.10,000/- per month as current occupational charges within 10th of each succeeding month till the disposal of the application. The first payment shall be made for the month of March within April 10, 2026 and thereafter month by month, within the 10th of each succeeding month. If such payment is made, the Ejectment Execution Case No. 103 of 2025 which is pending before the learned Civil Judge (Junior Division) 4th Court at Alipore shall remain stayed till the disposal of the stay application filed in connection with the ejectment appeal. In case of default in payment for two consecutive months, the execution case may proceed.

The opposite party will be at liberty to withdraw the amount, if the competent court so permits.

Accordingly, the revisional application is disposed of.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)