

**23/04
2026**

**AD/07/24
266312
NANDY**

(DO)

**In the High Court at Calcutta
Civil Revisional Jurisdiction
Appellate Side**

CO/345/2026

**ABDUL QUIUM ANSARI @ ABDUL QAIYUM ANSARI
VS
ABDUL QUIUM @ ABDUL KIUM**

**Mr. Rajdeep Bhattacharya, Advocate
Mr. Sauradeep Dutta, Advocate
Mr. Himadree Ghosh, Advocate**

.....for the Petitioners

1. This revisional application is against an order of 08.09.2025. The urgency, on the ground of which it was mentioned, is that the Bailiff will take possession of the tenanted premises on 24.04.2026.
2. There is a decree of eviction operating against the petitioner herein, which was challenged. This challenge is still pending adjudication.
3. In the meanwhile, by the order of 08.09.2025, the petitioner has been directed to deposit a sum of Rs.5,000/- as occupational charges from the date of the decree passed in May 2022, till present. This occupational charge of rupees Rs.5,000/-, as argued by the petitioner, seems rather inflated, as he is occupying a shop-room, which is not more than 50 square feet.
4. Bereft of the findings, there is no appreciation of the issue as to why the sum of Rs.5,000/- was chosen as an appropriate amount as occupational charge payable by the petitioner, nor is there any discussion or finding in the order passed by the Appellate Court, which is assailed before this forum in this application.
5. The order impugned dated 08.09.2025 is thus

stayed subject to payment of a sum of Rs.1,00,000/- (Rupees One Lakh only) as occupational charges by the petitioner, in two tranches; Rs.50,000/-, by 24.04.2026 and a further sum of Rs.50,000/-, by 10.05.2026. This amount will be deposited before the learned Appellate Court. The amount of Rs.1,00,000/- is on the basis of Rs.2,000/- (approx) at the suggestion of the petitioner as appropriate sum towards occupational charge. The said sum of Rs.2,000/- for the period of four years from the date of passing of the decree till date.

6. The Appellate Court is directed to revisit the issue of occupational charges uninfluenced by the observations made in this order.
7. In the event, the petitioner fails to deposit the sum as afore-stated within the stipulated date and unable to produce any evidence showing that he has made the initial deposit or the subsequent deposit on that day, the interim stay granted by the Appellate Court in its order of 08.09.2025 will be rejuvenated, and the authorities will be at liberty to take possession of the demised premises from the petitioner.
8. With these directions, the **CO/345/2026** is **disposed of.**

(Reetobroto Kumar Mitra, J.)

