

21.05.2026
Ct. No.6
Sl. No.19
skg

C.O. 1630 of 2026

**M/s. Manilal Sanghvi represented by
Rakesh Sanghvi
Vs.
Union of India & Ors.**

Mr. Rajashree Venket Kundalia,

...for the Petitioner

Mr. Subhankar Nag,
Mr. Snehashis Sen,
Mr. Debdatta Mukhopadhyay,

...for the opposite parties

1. This revisional application is directed an order dated May 12, 2026 passed by the learned Chief Judge, City Civil Court at Calcutta in Misc. Appeal no. 26 of 2026 whereby the petitioner's application for condonation of delay under Section 5 of the Limitation Act, 1963 was posted for hearing on May 20, 2026 and the petitioner's application for stay was left unconsidered.
2. The petitioner claims to be a lessee in respect of two godown spaces under the opposite party no.2 Proceedings under the Public premises, (Eviction of Unauthorized Occupants) Act, 1971 were initiated by the opposite party no.2 and ultimately the Estate Officer of the opposite party no.2 passed an order dated April 22, 2026 directing eviction of the petitioner. Such order has been carried in appeal being Misc. Appeal no. 26 of 2026 before the learned Chief Judge, City Civil Court at Calcutta.

3. The said appeal was filed belatedly. Since the appeal was filed belatedly and there was no explanation for the delayed filing of the appeal, the appeal could not be taken up by the learned Chief Judge, City Civil Court at Calcutta.
4. An application seeking condonation of delay in preferring the appeal was filed on May 12, 2026. The order dated May 12, 2026 indicates that on the same day a written objection was also filed by the opposite party no. 2 to the said application under Section 5 of the Limitation Act, 1963, however, the learned Chief Judge posted the said application for hearing on May 20, 2026.
5. On the adjourned date i.e. on May 20, 2026, the application could not be heard since the petitioner prayed for a short passover.
6. The petitioner now contends that the petitioner's property has been taken possession of by the opposite party no.2. The petitioner presses for interim order.
7. Learned Advocate appearing for the petitioner submits that the learned Appellate Court has committed a serious error in postponing the hearing of the petitioner's application for stay and allowing the petitioner's appeal to be merely infructuous.
8. Learned Advocate appearing for the opposite party nos. 2 to 5 submits that since there was no order of stay, the opposite party nos. 2 to 5 have taken possession of the

property and, in fact, third party interest has been created. On May 14, 2026. It is further submitted that the material/articles of the petitioner that may have been lying in the godown under occupation of the petitioner are, however, safe in the hands of the opposite party nos. 2 to 5. It is submitted that the opposite party no.2 has already initiated a proceeding under Section 6 of the 1971 Act.

9. Having heard the learned Advocates appearing for the respective parties and having considered the material on record, this court is of the view that at present, when third party rights have already been created in absence of any order of stay, it would not be proper for this Court to intervene and change the status quo.
10. Since the appeal along with the interlocutory applications for stay as well as condonation of delay are all pending before the learned Chief Judge, City Civil Court at Calcutta, who is the statutory appellate authority and who would have all the relevant material on record, justice would be sub-served if liberty is granted to the petitioner to approach the learned Appellate Court and file an application seeking preponement of the date of hearing of the application for condonation of delay as well as the stay of application.
11. The parties shall be free to canvass their respective cases before the appellate Court.

12. With the above observation the present revisional application being C.O. 1630 of 2026 stands disposed of. There shall be no order as to costs.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)