

Misc. Appeal 18 of 2026
R.No. 01/2026
CNR WBBB09000013-2026

05
12.02.2026

Today is fixed for hearing the pending stay application already filed in Misc. Appeal no. 18 of 2026, W.O. if any by the other side in the meantime, report from Nazir, Nazareth Department, Civil Judge (Jr. Divn) Court, Dubrajpur, Birbhum and appearance.

Ld. Counsel for the Respondents/Dhrs filed a fresh vokalatnama on behalf of all the Respondents/Dhrs today.

Appellant/Jdr is also present in Court through his Ld. Advocate by filing hazira.

Today Ld. Counsel for the Respondents/Dhrs received the copy of Memo of Appeal along with the copy of stay application dated 27.01.26 filed in the instant Misc. Appeal.

It appears from the case record that a report from Nazir, Nazareth Department, Civil Judge (Jr. Divn) Court, Dubrajpur, Birbhum in respect of execution of the writ has already been submitted in this record on 09.02.2026.

The stay application dated 27.01.2026 is taken up for hearing.

Ld. Advocate for the Respondents/Dhrs today submits that he shall not file any written objection but make verbal objections to the stay petition dated 27.01.26. He today filed a petition praying for filing W/O on behalf of the Respondents/Dhrs in the Misc. Appeal. Prayer is considered and allowed for ends of justice.

Heard Ld. Advocates for both sides.

Ld. Advocate for the Appellant/Jdr during hearing submits that he submitted before the Ld. Trial Judge, that he had filed this instant Misc. Appeal against the order of the Ld. Trial Judge no. 389 dated 19.01.26 had also been called for. He further submits that the Ld. Trial Judge inspite of his submissions was pleased to issue the writ. He also admitted during the hearing that before moving the stay application in this Court the writ was already executed and delivery of possession was already handed over with full satisfaction to the Respondents/Dhrs and thus prays for passing necessary order.

Ld. Advocate for the Respondents/Dhrs raised objections to the stay petition dated 27.01.2026 and submits before the Court that the writ issued by Ld. Civil Judge,

(Jr.Divn), Dubrajpur, Birbhum has already been executed and possession has also been handed over to the Respondents/Dhrs and so there is no scope or any ground to move the instant stay application by the Appellant/Jdr and thus prays for dismissal of the said stay application.

Heard submissions of Ld. Advocates for both sides. Perused the stay petition, the report of Nazir Nazarith Department, Civil Judge (Jr. Divn) Court, Dubrajpur, Birbhum. Considered.

It appears that there was no stay order passed in this Misc. Appeal against the order no. 389 dated 19.01.2026 of Ld. Civil Judge, (Jr. Division), Dubrajpur, Birbhum. It further appears from the report of Nazir in respect of the status of execution of the writ that on 04.02.2026 the writ for execution was issued by the Ld. Trial Judge with a returnable date fixed on 11.02.2026 and the said writ was executed by the Nazir of this Court and delivery of possession of the decretal property was given peacefully and on full satisfaction to the Decree holders.

Considering the above facts and circumstances and the submissions of both sides, and in view of the report of Nazir, Nazarith Department, Civil Judge (Jr. Divn) Court, Dubrajpur, Birbhum dated 09.02.26 in respect of the execution of the writ issued on 04.02.2026 by Ld. Civil Judge (Jr. Divn) Court, Dubrajpur, Birbhum it appears that the stay application dated 27.01.26 filed by the Appellant/Jdr has become infructuous and the same stands **rejected** being infructuous.

Matter is fixed on **09.03.2026** for filing W/O by the Respondents/Dhrs in the Misc. Appeal upon serving copy to other side.

D/c

ADJ Fast Track Court,
Dubrajpur, Birbhum

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