

IN THE COURT OF THE DISTRICT JUDGE, PURBA BARDHAMAN

Present: Sri Bimal Kanti Bera (WB00681),
District Judge, Purba Bardhaman

Title Appeal 18 of 2025
(CNR NO.WBBD-01-002186-2025)

Order No. 09

Dated – 16.07.2026

Both parties have filed their respective haziras.

The respondent no.1 and 2 have filed written objection.

The appellant's application for stay filed on 23.05.2025 is taken up for hearing.

Heard the respective Ld. Lawyer for the parties.

Perused the application for stay and the written objection filed by the respondents on this day.

Considered.

Being aggrieved by the judgement and decree passed by the Ld. Civil Judge (Jr. Divn.), 2nd Court, Burdwan in title suit no.06 of 2009, the appellant has preferred the instant appeal.

Ld. Advocate for the appellant submits that the respondents / plaintiffs put the decree to execution. If the decree is executed and the appellant is evicted during pendency of the instant appeal, the purpose of preferring the instant appeal will be infructuous. The appellant pray for staying operation of the impugned decree.

The Ld. Advocate for the respondents opposes the prayer for stay and submits that the suit was initiated a long time ago and the respondents/ plaintiffs cannot be deprived of the fruits of the suit.

If the decree is executed, as apprehended, during the pendency of the instant appeal, the appellant may suffer irreparable loss if ultimately the appeal is allowed. However, considering the nature of the suit and the decree passed, the stay may be granted subject to payment of occupational charge. This court interacted with the appellant present today in person. He admits that present market rate of similar type of tenanted property in the similar location is about Rs. 3,000/- or Rs. 4,000/- per month and he can afford Rs. 4,000/- per month towards occupational charge. In this circumstances, the application for stay operation of the impugned decree is allowed subject to payment of

occupational charge @ Rs. 4,000/- per month commencing from the date of passing of decree of the suit.

The appellant is directed to pay the occupational charge month by month by the 10th of each succeeding month before the Ld. Trial Court.

Arrear occupational charge be paid by two installments. First installment shall be paid by 10.08.2026 with the current occupational charge and the second installment by next month by 10.09.2026.

Subject to the above conditions, operation of the impugned judgement and decree passed in title suit no. 06 of 2009 is stayed till next date.

Let the instant appeal be transferred to the Ld. Court of Civil Judge (Senior Division), Burdwan for disposal.

The TCR be sent directly to the Ld. Transferee Court.

Let a copy of this order be sent to the Ld. Trial Court for information and necessary action.

To 12.08.2026 for appearance of both the parties before the transferee court.

Dictated & corrected by me
Sd/-

District Judge,
Purba Bardhaman

Sd/-

District Judge,
Purba Bardhaman.