

Title Appeal No. 01 of 2023

CIS No. 01 of 2023

CNR No. WBBK07-000040-2023

Present : Sri Tanumoy Karmakar (J.O. Code: WB01209)

Order no. 14

Dated 24-03-2025

Today is fixed for SR & AD in respect of the respondents.

Memorandum of appearance filed by the appellant and respondent no.1

Ld. Counsel on behalf of the appellant filed original postal receipt along with postal track consignment report.

Let the same be kept with the record.

It appears from the postal track consignment report that memo of appeal was duly served upon respondent no.2, but respondent no.2 is absent without any step.

None appears on behalf of respondent no.2 inspite of repeated calls.

Accordingly, the instant appeal shall be proceeded as ex parte against respondent no.2.

Respondent no.1 appeared today.

Ld. Counsel on behalf of respondent no.1 filed fresh *vakalatnama* along with one application with a prayer for time for filing W.O. against the main appeal.

The prayer is considered and allowed.

In this context, it is pertinent to mention here that Ld. Counsel for the respondent no.1 averred that he will not file any W.O. against the say application filed under Order 41 Rule 5 of the CPC.

Accordingly, the case record is taken up for hearing of the stay application.

I have heard Ld. Counsel for the appellant at length in respect of the stay order.

Perused the appeal as well as the judgment passed by Ld. Trial Court [Civil Judge, (Junior Division), Bishnupur, Bankura].

Considering the submission of the Ld. Counsel and considering the grounds for which the instant appeal is preferred, I find that several triable issues have been arose and those issues are necessary to be redressed during the hearing of the appeal.

It is also pertinent to mention here that the T.C.R. has already been received. Moreover, the filing of appeal shall be infructuous if stay has not been granted in favour of the appellant, because appellant purchased the suit plot by way of a registered *kobala* deed which was submitted before the trial Court and the fact pertaining to said registered *kobala* deed has not been redressed in the order.

Hence, it is

ordered,

that the application for stay preferred by the appellant is hereby allowed and accordingly all further proceedings pertaining to the said Title Suit [Title Suit no.24 of 2016] are hereby stayed upto the disposal of instant appeal.

To **05-08-2025** for hearing of the appeal.

W.O. in the meantime.

Update CIS accordingly.

Dictated & Corrected by me.

Civil Judge (Sr. Divn.), Bishnupur

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