

Misc. Appeal No. 03 of 2023

CIS No. 03 of 2023

CNR No. WBBK07-000187-2023

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

Order no. 07

Dated 06-01-2025

The record is put up today by way of a put up petition filed by the appellant.

Ld. Counsel on behalf of the appellant filed one application under Section 151 of the CPC with a prayer to ad interim stay of the judgment and decree dated 07-06-2023 in connection with J.Misc. (Pre-emption) no.31 of 2015.

Ld. Counsel on behalf of the appellant filed one photocopy of notice issued by R.O. in connection with Mutation Case no. MN/2024/0119/27062 dated 20-12-2024 and *inter alia* submitted that after getting decree in the said preemption suit, the decree holder applied for mutation and the said mutation case was fixed for hearing on 08-01-2025.

In this exigency situation, the appellant filed this instant application for stay.

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 order of mutation may give rise to multiplicity of proceeding. Moreover, the filing of appeal shall be partly infructuous after passing of the mutation 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 Misc. case [J.Misc. (Pre-emption) no.31 of 2015] are hereby stayed upto next date.

D.A. is directed to comply the order no.06 dated 04-01-2025 at once.

To date (13-03-2025) for SR & AD and for necessary order.

Update CIS accordingly.

Dictated & Corrected by me.

Civil Judge (Sr. Divn.), Bishnupur

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