

Title Appeal No.15 of 2017.

Present: Sri Subhash Kumar Kar, Judge, Bench-V (WB00592)

Order No.78 // Dated 01.12.2025

Parties have taken their respective steps.

Date is fixed for hearing of the petition u/s. 151 of C.P.C.

None appears for the Appellant on repeated calls.

Heard the Ld. Advocate of the Respondent.

It is submitted by the Ld. Advocate of the Respondent that the Appellant did not comply with the order of stay passed by the Ld. Chief Judge, City Civil Court, Calcutta, while the Appeal was admitted and instead of depositing occupational charges in the Ld. Trial Court, the Appellant depositing the same with the Appellate Court and it is prayed to vacate the order of stay.

On perusal of record, it appears that the Appeal stood abetted on the death of the substituted Appellant No.3 – Smt. Soni Shaw and a Misc. Case being No.603 of 2019 under Order 22 Rule 9 along with an application u/s. 5 of the Limitation Act was initiated which was finally disposed of by Order No.68 dated 13.12.2024 and after the setting aside of abatement, the Appellant did not make any application for reimposition of the order of stay granted vide Order No.5 dated 23.08.2017, as the said order being interim in nature was merged with the final order of abatement in terms of the doctrine of merger and for all practical purpose, there is no order of stay at present.

Thus, the petition u/s. 151 of C.P.C. filed by the Respondent stands disposed of.

Fix **19.01.2026** for hearing of the Appeal.

D/c by me,

Judge.

Judge, Bench-V,
City Civil Court, Calcutta.