

Misc. Appeal No.14 of 2026

Present : Smt. Sonia Majumdar, Chief Judge-in-charge (WB01128)  
Order No.2, dated 05.03.2026:

The case record is put up today by the appellants with an application praying for staying of operation of Order dated 17.01.2026 passed by the Ld. Judge, Bench-V, Presidency Small Causes Court, Calcutta in connection with Ej. Suit No.178 of 2005. Copy served to the other side with an endorsement "strongly objected to".

Respondent/opposite party appears today by filing Vakalatnama. Let it be kept with the record.

It appears from the record that 20.03.2026 is fixed for hearing on the point of admissibility. But Ld. Advocate for the appellant submits that the date of execution with police help is fixed on tomorrow. So, in presence of both sides, the Appeal is taken up for hearing on its admissibility point.

Perused the Memo of Appeal and copy of order dated 17.01.2026 passed by the Ld. Judge, Bench-V, Presidency Small Causes Court, Calcutta in connection with Ej. Suit No.178 of 2005. Also perused the other materials-on-record, including the Office Report.

Having heard the Learned Advocate for the appellants and also upon perusal of the materials on record, it is apparent that the instant appeal has been preferred within the prescribed period of limitation and accordingly, I find no legal impediment to admit the appeal.

In the circumstances, the appeal stands admitted.

Call for the T.C.R.

Now, it is submitted by the Ld. Counsel for the appellants that tomorrow is the date fixed for delivery of possession of the suit premises with the help of local police. In the given circumstance if an order of stay is not granted, the appeal will be infructuous. Accordingly, he prays for an order of protection for the interest justice .

On the other hand Ld. Counsel for the respondent submitted that he has just received the copy of stay application and prays for time to file written objection.

Heard the Ld. Counsels for the parties.

On perusal of the case record it appears that vide order no.149 dated 26.04.2022 in connection with Misc. Case 82 of 2015, the Ld. Trial Court had passed an order for restoration of possession of the suit premises to the defendant within two months, in default plaintiffs were directed to deposit a sum of Rs.1,00,000/- in Court towards security deposit. In spite of that order, plaintiffs have not delivered the possession of the suit premises nor deposited the aforesaid amount in Court. In the given circumstance, considering the

urgency involved in this matter, an order of interim stay of Order no.178 dated. 17.01.2026 in Ej. Suit No.178 of 2005 for a short period is granted till 20.03.2026 with a condition to deposit the sum of Rs.1,00,000/- (One Lac Only) by tomorrow i.e. 06.03.2026 in the Trial Court and file payment receipt before this court within 02:00 p.m on the same date.

Fix 20.03.2026 for awaiting T.C.R and hearing of stay petition, objection, if any, in the meantime.

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

Dictated & corrected by me,

Chief Judge-in-charge,  
City Civil Court, Calcutta.

Chief Judge-in-charge