

**Present: Sri Abhijit Som, Chief Judge,
City Civil Court, Calcutta
(J.O. Code: WB01127)**

Misc. Case No.3155 of 2026

Order No. 3/ dated 12.05.2026

Ld. Advocate of both sides are present.

The Opposite party has filed written objection.

Copy is served to the petitioner. Let it be kept with the record and let the case be fixed for hearing.

At this stage the Ld. Advocate for the petitioner submits that an order of stay may be granted so that the Title Execution No.17 of 2026 may not be proceeded with.

On the other hand Ld. Advocate for the opposite party submits that due to the pendency of the instant Misc. Case under Section 10 of the City Civil Court Act, the petitioner is taking adjournment before the executing Court. Therefore, the instant case may be taken up for hearing immediately, otherwise the opposite party suffering irreparable loss.

Having considered the above this Court is of the opinion that no stay order may be granted at this stage and on the other hand the case may be disposed of as early as possible. It is needless to mention that the executing court is under the obligation to comply the mandate as given by the Hon'ble Apex Court in **Rahul S Shah v. Jitendra Kumar Gandhi and Ors (2021) 6 SCC 418**, particularly when no such stay order is given by any upper forum.

Fix 17.06.2026 for hearing of the Misc. Case (summer vacation intervenes).

Dictated & corrected by me,

Sd/-

Chief Judge.

Sd/- (Abhijit Som)

Chief Judge
City Civil Court, Calcutta.