

Misc. Appeal No.48 of 2025
Present: Biswarup Bandyopadhyay, Chief Judge
Order No.2 /dated 21.11.2025:

The record is put up today along with an application praying for stay of operation of judgment and decree dated 08.07.2025 passed by the Estate Officer in connection with Case No.EO/553/0625 . Let it be kept with the record.

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

According to the submission of the Ld. Counsel for the appellant the copy of the order passed by the Estate Officer was received by the opposite party on 18.11.2025 and accordingly there is no delay in preferring the present application. However, as the impugned order was passed on 17.10.2025, the appellant herein has preferred the application praying for condonation of delay for abundant caution. It is submitted that Section 5 application is pending for hearing and having regard to the urgency involved in the matter the appellant intends to move the stay application today itself. It is submitted that the copy of the Memo of Appeal as well as the connected application such as Section 5 application and stay application have been laready supplied to the other side. It is further submitted that the respondent is trying to evict appellant from the suit premises on the strength of the order passed by the Ld. Estate Officer.

Ld. Counsel for the respondent admits that he has received the copy of Section 5 application along with the application for stay and intends to file written objection to such applications.

Heard the Ld. Counsels appearing for the appellant as well as the respondent. Considered the submission of the Ld. Counsel for the appellant prays for an interim order of stay to protect his interest over the suit premises.

Having considered the grave urgency involved in this matter and grounds of appeal mentioned in the memo of appeal, this Court is of the view that an ad interim order of stay for a short period should be granted in order to protect the possession of the appellant at this stage. It is made clear that the fate of the stay application as well as

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the application under Section 5 of the Limitation Act shall be decided giving both the sides opportunities of being heard.

Hence, it is

Ordered

that an ad interim order of stay of operation of the judgement and decree dated 08.07.2025 passed by the Estate Officer in connection with Case No. EO/553/0625 is granted, till the next date i.e. **28.11.2025**.

Let a copy of this order be handed over to the Ld. Counsel appearing for the appellant, counter signed by the Bench Clerk for service to the respondent authorities immediately.

Fix **28.11.2025** for hearing of Section 5 application along with the stay petition, objections, if any, in the meantime.

Dictated & corrected by me:

Chief Judge

Chief Judge

City Civil Court, Calcutta.

