

Misc. Appeal No. 55 of 2015

Present: Shri Subhrajit Basu [J.O. Code: WB01238]
Judge, Bench-IV & Chief Judge In-Charge,
City Civil Court, Calcutta

Order No. 4
09.01.2026

Regular P.O. is on leave today.

Mr. Dhiraj Trivedi, Ld. Senior Advocate, appearing for the appellant and Mr. Pinaki Narayan Ganguly, Ld. Government Pleader, appearing for the respondents are present.

The matter is fixed today for hearing of stay application and receipt of TCR.

TCR has not yet been received.

There is a resolution of the local Bar Association on account of the death of a Senior Member of the Bar.

Heard the Ld. Advocates.

Perused the materials on record.

Mr Ganguly, Ld. Government Pleader submitted that an opportunity may be given to the respondents to file written objection against stay application.

However, from the submissions of the Ld. Advocate of the appellant, it appears that there is an urgency in the matter as the appellant has been directed by an Order dated 23.12.2025 (as in Annexure-M to the stay application) passed by the Estate Manager, Murshidabad Estate, i.e., the respondent no. 3, to vacate the room, being the subject-matter of dispute in this appeal, within ten days of receipt of the same, otherwise it has been mentioned therein that possession of the said room will be taken without further information.

It is submitted by Mr Trivedi that the deadline of ten days as communicated by the said Order dated 23.12.2025 is expiring tomorrow, i.e., 10.01.2025 and unless some protection is given to the appellant till hearing of the stay application, his appeal and the stay application would become infructuous and he will be dispossessed.

Considering the circumstances, this Court is of the view that in the interest of justice, an opportunity should be given to the respondents to file written objection to the stay application subject to some protection given to the appellant in the meantime against coercive actions.

Accordingly, the matter be fixed on **19.01.2026** for hearing of the stay application and receipt of TCR.

Let the written objection to the stay application be filed by the next date.

In the meantime, the respondents are hereby directed not to take any coercive actions against the appellant till the next date, i.e., 19.01.2026 in furtherance of the Order dated 23.12.2025 as in Annexure - M to the stay application.

However, it is made clear that all questions including fixation of occupational charges, if any, are kept open for being considered at the time of hearing of the stay application.

D/C by me

Judge, Bench-IV &
Chief Judge In-Charge,
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