

Title Appeal No.19 of 2026
Present: Sri Abhijit Som, Chief Judge (WB01127)
Order No.5, dated 15.05.2026:

Ld. Advocate of both side are present.

The stay application is taken up for hearing.

Heard Ld. Advocate on behalf of both sides.

It is submitted on behalf of the appellants that the decree passed by the Ld. Trial Court may be satisfied by way of execution at any point of time and the purpose of filing of the instant appeal will be frustrated, if no order of stay of the operation of the judgment and decree is granted by this Court.

On the other hand it is submitted by the respondents that the suit room situated under Muchipara P.S. It is specifically submitted that the market value of the suit property is very high and therefore the occupational charge may be calculated accordingly.

Having heard the submission of both sides and on perusal of the application, this Court is of the view that an order of stay may be passed for a limited period, otherwise the purpose of the appeal will be frustrated if in any case decree is executed. On the other hand it is to be taken care of that the appellants/tenants will be directed to pay the occupational charge in terms of the present market value of the property. It is the factual aspect that the rent of the suit room is Rs.120/- per month. However, the respondents are claiming occupational charge at a high right due to the location of the suit property. It is also pertinent to mention here that the decree was passed on 19th December, 2025 and the present appellants were directed to vacate the suit property within a period of 60 days. The appellants did not vacate the suit property in compliance with the judgement and decree and preferred the appeal in the month of February, 2026.

Hence, it is

Ordered

that the operation of the judgement and decree dated 19.12.2025 passed in Ejectment Suit no.225 of 2016 is hereby stayed for the period of six (6) weeks hence or till disposal of the appeal, whichever is earlier, subject to payment of occupational charge of Rs.2,000/- p.m with effect from February, 2026.

The appellants shall go on paying the current occupational charges for the subsequent months within 7th of next English calender month by way of demand draft drawn in favour of the Respondents or by court deposit. The arrear calculated amount of occupation charges is to be paid from the month of

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February, 2026 to April, 2026 by one go within 30th June, 2026 or before disposal of the appeal, whichever is earlier.

It is made clear that if the appellants fail to make payment of the current as well as the arrear occupational charges as calculated by this court within the time mentioned herein before, the stay granted by this Court shall be automatically vacated.

T.C.R. is already received.

Fix **16.06.2026** for hearing of appeal.

Let a copy of this order be handed over to the Ld. Counsel for the appellants counter signed by the Bench Clerk for compliance.

Dictated and corrected by me,

Chief Judge,

Chief Judge,
City Civil Court, Calcutta.