

TA No. 83 of 2025

Present: Amit Chakravorty

(J.O. Code: WB-00615)

Order no.4 dated 10.04.2026

Case record is put up today on the prayer of the Appellant, in presence of Ld. Counsel for the Respondent.

An application is filed by the Appellant with affidavit under Order XLI Rule 5 of CPC for staying the proceedings of the Execution Case. Copy is served.

As per report of the Office, no caveat has been filed by the adversary.

Ld. Counsel for the parties are present.

The application under Order XLI Rule 5 of CPC is taken up for hearing.

Ld. Counsel for the appellant submits that the present memorandum of appeal has been filed within time and the title appeal was admitted on 11th December, 2025. The decree under challenge in the instant appeal is going to be executed in the title execution case and as such at least an order of interim stay shall be passed; so that the appeal will not become infructuous.

Learned counsel for the respondent submits that his client has no objection if stay of the execution case be granted for a limited period of time till hearing of the appeal expeditiously, preferably by this month.

Considering the prayer and submission of the parties, it is apparent that the fate of the appeal will become infructuous in case of execution of the decree before hearing of the appeal and subsequent recourse of section 144 of CPC in case of success in appeal will cause multiplicity of proceeding. Endeavour should be made to dispose of the appeal expeditiously. As a result, I am inclined to pass an interim order of stay for a limited period till hearing of the appeal.

Further proceeding of Title Execution Case No. 44 of 2025, thus, is stayed till 24th April, 2026.

Fixing 22.04.2026 and 24.04.2026 for hearing of the appeal along with the application under Order XLI Rule 5 CPC. Written Objection, if any, in the meantime.

Dealing Assistant is directed to take steps and/or make endeavour for production of the Trial Court record in the Court positively within the next date fixed above.

Typed by me

District Judge

District Judge.