

Order No. 11 dt. 14.5.25

Today is fixed for hearing of stay vacating petition.

Both parties file hazira.

The record is now taken up for hearing of the stay vacating petition filed by the respondent on 10.3.25

Ld Advocate for the respondent while moving the said petition submitted that the appellant has not paid the occupation charge of Rs. 3000/- per month in this court as ordered by this court while granting the said stay on the prayer of the appellant on 13.8.24 and hence the stay should be vacated. He prayed for passing of stay vacating order as per the order passed by the Hon'ble Calcutta High Court in *Shib Shankar Ghosh Vs Jayanta Kumar Basu 2023(3) Indian Civil Cases 950 (Cal)*.

Ld Advocate for the appellant submitted that he has complied with the directions of this court and is already paying the occupational charge every month before the ld trial court by challan. He drew the attention of this court to the filed challans and prayed for dismissal of the instant stay vacating petition.

Heard both the sides. Perused the filed document and record. Considered.

It is evident from the filed challans that the appellant is paying the occupational charge every month as ordered by this court before the ld trial court and hence is found to comply with the conditions of stay mandated by this court vide Order No. 7 dt. 13.8.24. Hence the prayer of the respondent for vacating the stay is found without merits and is accordingly dismissed.

Ld Trial Court is directed to send the TCR at the earliest.

Let a copy of this order be sent to Id Civil Judge 3rd Court (Jr. Divn.), Serampore for his information

To 14.8.2025 for receipt of TCR.

Dictated & Corrected by

Sd/-

Addl. District Judge, 2nd Court
Serampore.

Sd/-

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Memo No.....

Dated

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Sd/-

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Serampore.**

