

Order No. 06 dt. 12.11.24

Today is fixed for passing order with respect to stay.

Appellants file hazira.

The record is now taken up for passing order upon the hearing of the stay petition filed by the appellants which was concluded on the last date.

It appears from the instant case record that the appellants have lost in the trial court to the respondent who had preferred a Title Suit being No. 257/2013 (renumbered as T.S. 4473 of 2014) for eviction and that the Id trial court of Civil Judge (Jr Divn) 3rd Court, Serampore has passed a decree of eviction against the present appellants. It also appears from the submissions and the filed certified copy of order passed by the said executing court in Title Execution Case No. 41/2024 that the respondent has already started execution proceedings against the appellants in the Id trial court for evicting them from the suit property.

The present record speaks that the instant appeal has been admitted by the Id filing court and thereby opportunity has been given to the appellants to contest the impugned judgement. In such a scenario, if the appellants are evicted by due process of law in the execution case filed by the respondent, then multiplicity of proceedings would follow through. **Hence, this court is now pleased to stay further proceedings in Title Execution Case No. 41/2024 upon payment of occupational charges @ Rs. 2000/- per month with respect to the suit property by the appellants from the date of filing of this appeal until the disposal of this appeal.**

The appellants are directed to deposit the occupational charges every month before this court by the 10th day of each succeeding month and the arrears of the same within the next date fixed in this case.

The stay would be automatically vacated upon default of the above stipulation by the appellants.

Call for LCR of Title Suit being No. 257/2013 from the Id trial court at once.

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

To date (18.12.24) for receipt of LCR and S.R./appearance of parties.

Dictated & Corrected by

Sd/-

Addl. District Judge, 2nd Court
Serampore

Sd/-

Addl. District Judge, 2nd Court
Serampore

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Addl. District Judge, 2nd Court
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Memo No.....

Dated

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Addl. District Judge, 2nd Court
Serampore.