

T.A.34/22

Present : Md Ehteshamuddin, J.O Code. WB00962

ASJ, FTC, Serampore, Hooghly

Order No. 10 dated 05-09-2024

Record is put up by way of put up petition.

L.C.R. has not been received. Record is taken up for hearing of the stay application.

Perused the petition, record, heard the Ld. Advocate for the Appellants

This is an appeal against the judgment passed by the Ld. Court below whereby eviction order against the Appellants/plaintiffs has been passed in respect of the suit property. It is submitted by the Ld. Advocate for the appellants that the judgment against which the appeal has been filed has already been put into execution by filing an execution case being Title Execution No. 27/2023. According to him, the further proceeding of the execution case are required to be stayed.

Considering the submission of the Ld. Advocate appearing for the Appellants, it appears that the purpose of filing the appeal would frustrated if the judgment impugned gets executed but at the same time, it is also pertinent to mention here that the respondents/defendants have not appeared in this case as the appellants have not filed any requisite till date despite repeated direction upon them. The instant appeal was initiated on 05.07.2022. Accordingly, it may cause great hardship to the respondents/defendants also, if any absolute order of stay is passed at this stage. Considering all the aspects, I am inclined to pass interim order of stay for the ends of justice.

Hence, it is

ORDERED

that all further proceeding arising out of the judgement and decree of Counter claim in T.S. 177 of 2014 passed by the Ld. Civil Judge (Junior Divn.), 2nd Court, Serampore, Hooghly including the execution case being No. 27 of 2023 will remain stayed till 11-12-2024.

Issue notice of appeal upon the respondents/defendants.

Appellants/plaintiffs are directed to file the requisite at once.

Todate for S/R.

Dictated and corrected by me

Addl. Dist. Judge
FTC, Serampore

Addl. Dist. Judge
FTC, Serampore.