

Title Appeal No. 36 of 2025
CNR NO. WBHW01-001207-2025

Present: Abhijit Som,
District Judge, Howrah.
J.O. Code – WB01127

Order No. 06 dated 03.01.2026.

Learned Advocate on behalf of the appellant wants to move the application for stay of the further proceeding of the execution in connection with the impugned judgement and decree passed in Title Suit No. 1268 of 2022 by the learned Civil Judge (Junior Division) 1st Court, Howrah.

It is submitted that the application for stay was delivered to the respondent by speed post as per direction of the Court. It is also submitted that if stay is not granted at this stage, there is every possibility that the decree will be satisfied by execution within a few days and the purpose of filing of the instant appeal will be infructuous.

None appears on behalf of the respondent.

No doubt, the appellant is under a decree which is put in execution. It is true that the purpose of filing of the appeal will be futile if the stay is not granted for a limited period at this stage.

Having considered the submission of the learned Advocate, further proceeding of the execution in connection with the decree of Title Suit No. 1268 of 2022 is hereby stayed till 13.03.2026 subject to payment of occupational charge of Rs. 1,000/- per month beginning from the month of January, 2026 in the name of respondent.

The occupational charge shall be paid by 5th day of the following month.

It is made clear that in the event the present appellant fails to deposit the occupational charge as directed even for a single month and the arrear, the order of stay as passed by this Court shall stand vacated automatically.

To date

Let a copy of this order be sent to the learned Civil Judge (Junior Division), 1st Court, Howrah for information and necessary action.

Dictated & corrected by me.

D. J.

District Judge, Howrah.