

Title Appeal No. 124 of 2025
CNR NO. WBHW01-004521-2025

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

Order No. 04 dated 22.09.2025.

The application for stay is taken up for hearing.

Learned Advocate on behalf of the parties are present.

It is submitted by the appellant side that if no stay is granted, the purpose of filing the instant appeal will be frustrated. The decree is going to be executed within a short period and therefore, an order of stay is highly required.

On the other hand, it is submitted on behalf of the respondents that the suit property is located at a prime place in Howrah and therefore, occupational charge may be considered in tune to the market value of the suit property.

No doubt, the purpose of the appeal will be frustrated if no order of stay is granted at this stage. One residential unit in the second floor is under the occupation of the present appellant. It is also true that the property is situated within corporation area.

Having considered the submission of both sides, this Court is of the view that an order of stay may be granted for a limited period, subject to payment of occupational charges.

Hence, the execution of the decree in Title Suit No. 05 of 2018 of the learned Civil Judge (Senior Division), 1st Court, Howrah is hereby stayed for a period of twelve weeks hence or till disposal of the appeal, whichever, is earlier, subject to payment of occupational charge of Rs. 5,000/- per month, to be paid by 7th day of each succeeding month.

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

With such observation, the stay application is thus disposed of.

Let the case record be transferred to the Court of learned Additional District Judge, 2nd Court, Howrah for hearing and disposal.

Fix 10.11.2025 for appearance before the learned Transferee Court.

Learned Transferee Court is at liberty to call for the L.C.R.

Dictated & corrected by me.

D. J.

District Judge, Howrah.