



**IN THE COURT OF THE LD. ADDL. DISTRICT JUDGE NADIA AT
NABADWIP**

MISC. APPEAL : 2 /2025

Appellant/ Petitioner /Decree Holder/ Plaintiff:-

Sri Sri Gopal Jew Bigraha

represented by its sebaite

Madhusudan Adhikary (Goswami)

aged about- 86 Years,

S/o- Surendra Nath Adhikary (Goswami),

Residing at Mathurakanta Chowdhury Road,

Dakshin Bangopara,

P.O.&P.S.- Nabadwip, Dist.- Nadia,

::Vs::

Respondents/ Opposite party /Judgment Debtor/ Defendant:-

Dipti Poddar, aged about 65 years

W/o- Basudeb Poddar,

C/o- Sri Rana Saha,

Residing at Stimarghat Road,

Fanshitala (Krishnakali More),

P.O. & P.S.- Nabadwip, Dist- Nadia,

Pin- 741302.

**Appeal against the order no. 54 Dated
27/06/2025 passed by the Ld. Civil Judge
(Jr. Divn.) at Nabadwip, Nadia, in Misc.
Case 15/2017 arising out of Title
Execution- 06/2016 in connection with
T.S Case No. 77/2015
Appeal valued at Rs. 100/**

Being aggrieved and dissatisfied with the order passed by the Ld. Civil Judge (Jr. Divn.) at Nabadwip, Nadia, in Misc. Case No. 15/2017 arising out of Title Execution case No.06/2016 in connection with T.S Case No. 77/2015 the appellants beg to prefer this appeal and also enclosing the original certified copy of order being No.54 dated 27/06/2025 and prefer this appeal on the following grounds:-

::Grounds::

1. For that Ld. Court below did not apply his Judicial mind in this case.
2. For that the Ld. Court below is erred, in law and facts.
3. For that the Ld. Court below did not consider the contents.

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4. For that the Ld. Court below did not consider that the appellants/petitioner/Decree Holder/plaintiff will be prejudiced if the said order remain in force against the Appellant /Petitioner/Decree Holder/ plaintiff.
5. For that the Ld. Court below did not apply his judicial mind about the false and imaginary cause of action stated in the Misc. Case No. 15/2017 filed by the respondents/defendants.
6. For that previously the Respondent/ O.P./judgment debtor/defendant filed one petition on 24/11/2017 for staying the proceeding of Misc. Case 15/2017 and the said petition was rejected by the Civil Judge (Jr. Divn) at Nabadwip, Nadia, vide order No. 28 dated 18/12/2019 after contesting hearing. Thereafter said Respondent/ O.P./judgment debtor/defendant did not file any appeal before any upper forum against the said order of Ld. Civil Judge (Jr.Divn) at Nabadwip, Nadia. But, suppressing said matter of rejection order said Respondent/ O.P./judgment debtor/defendant again filed a petition on 27/06/2025 for staying the proceeding of said Misc. Case 15/2017 stating same contents of previous petition before the Civil Judge (Jr. Divn) at Nabadwip, Nadia. The Civil Judge (Jr.Divn) at Nabadwip, Nadia, without considering previous rejection order of said Ld. court allowed the petition dated 27/06/2025 after contested hearing.
7. For that the appellants crave leave to refer other points at the time of hearing of this appeal.

Under the aforesaid, facts and circumstances it is, therefore prayed before Your Honour that Your Honour would be graciously pleased to call for the record of the Ld. Court below and after hearing both sides set aside the order no. 54, dated 27/06/2025 passed by the Ld. Court below or to pass further order as Your Honour thinks fit and proper.

Certificate

Certificate that I have gone through the record of this case and in my opinion there is good ground for filling this appeal and I undertake to support the appeal at the time of hearing of this appeal.

[Handwritten signature]
Rajkumar Das
Advocate
E/N P/1535/13