Ej EX 04/21:

WBPS01-000019-2021

BEFORE SRI SANGRAM SAHA @ GAUTAM SAHA, LD. JUDGE, 3RD BENCH

Order No. 02 dt. 18/02/2021:

Today is fixed for verification and order.
Dhr files an affidavit stating and submitting that there is no stay order pending and prays to fix a date for delivery of possession on the ground as stated therein.
As per marginal note of concerned passing clerk, no stay order has yet been received from any higher forum till today as per A.J Record.
Today Jdr appears by filing Vakalatnama and also files a petition praying to stay the execution case on the ground that an appeal is pending before Ld. City Civil Court, Calcutta being no 01/21 copy of which has not been served upon the other side.
Let the same be kept in the record.
Hd. Considered.
Perused the marginal note of passing clerk, affidavit filed by Dhr and the application filed by Jdr this day.
After careful scrutiny of the case record, I am of the view that as there is no stay order, there is no impediment to proceed with the execution case.
Accordingly the petition filed by Jdr this day stands rejected.
Let the writ of possession be issued as per law.
To 08/03/21 for delivery of possession and 10/03/21 for bailiff report.

D&C by me

Judge

Sangram Saha
(J.O. Code: WB1037)
Judge,
Presidency Small Cause Court,
3rd Bench,
Calcutta