

EXECUTION CASE NO :- 33 OF 2020
(CNR No. WBPS01-000180-2020)
(JO CODE No. WB01229)

Order no. - 26
Dt. 16.08.2022

Today is fixed for hearing of petition dated 11.11.2021.

Both parties file hazira.

The case record is taken up for hearing of the said petition.

Heard Ld. Advocate for the Jdr. who submitted before this court that a revisional application being C.O. No. 998 of 2021 has been filed before the Hon'ble High Court at Calcutta against the order dated 15.02.2021 passed by the Ld. Chief Judge, City Civil Court, Calcutta in Title Appeal No. 26 of 2020 and hence prayed before this court for stay of this execution case till disposal of the Title Appeal No. 26 of 2020 pending before the Ld. Chief Judge, City Civil Court, Calcutta and also till disposal of C.O. No. 26 of 2020 pending before the Hon'ble High Court, Calcutta.

Heard Ld. Advocate for the decree holder who submitted that this court has been pleased to pass the judgement and decree in favour of the plaintiff/decree holder and the Jdr. preferred an appeal before the Ld. Chief Judge, City Civil Court, Calcutta and Ld. Chief Judge has been pleased to allow the said application on contest to pay occupational charges but no occupational charges has been made by the Jdr. and against the said order, the Jdr. preferred revisional application before the Hon'ble High Court and no stay order has been passed by the Hon'ble High Court and there is no impediment for further proceeding of the execution case.

Considered. Perused the instant petition and materials on record.

On perusal of the same, it appears that the decree holder files a separate Misc. Case under Order 21 Rule 97 of the CPC read with Section 151 of the CPC being Misc. Case 88 of 2021 for getting possession of the decretal premises with the help of police and it also appears that there is no specific stay

order from the Hon'ble High Court and this court has no jurisdiction to hear the stay application when the same matter has been pending before the Ld. Appellate Court.

Considering the same, the stay application has no merit at all and the same is liable to be rejected.

Hence, it is

ORDERED

that the petition dated 11.11.2021 is hereby rejected on contest.

To 19.09.2022 for order till disposal of the Misc. Case no. 88 of 2021.

D/C by me.

Sd/-

Judge, Bench - II,
P.S.C. Court, Calcutta.

Sd/-

Judge, Bench - II,
P.S.C. Court, Calcutta.

MISC. CASE :- 88 OF 2021
(CNR No. WBPS01-000357-2021)
(JO CODE No. WB01229)

Order no. - 27
Dt. 16.08.2022

Today is fixed for hearing of Misc. Case.

Both sides file hazira.

Jdr. files a petition with a prayer for adjourned the proceeding on the grounds stated therein.

Heard both sides. Considered.

Perused the materials on record.

It appears from the record that there is no specific stay order from the Hon'ble High Court, Calcutta and as such there is no impediment for further proceeding of this case.

Considering the same, the time petition filed by the Jdr. is hereby considered and rejected.

Now the case record is taken up for hearing of the Misc. Case.

Decree holder files affidavit-in-chief and he has examined in chief of P.W-1 and he proved his signature over the the bailiff report and his cross-examination is deferred as per prayer of the O.P. no. 1.

Fix 19.09.2022 for further cross-examination of P.W-1.

D/C by me.

Sd/-

Judge, Bench - II,
P.S.C. Court, Calcutta.

Sd/-

Judge, Bench - II,
P.S.C. Court, Calcutta.