

Ejectment Execution No. 23 of 2023
C.N.R No. WBPS01-000101-2023

Order No.54

Dated 24.04.2025 :

Today is fixed for hearing of the petitions for stay filed by the judgment debtor. No steps have been taken by the decree holder. But the Ld. Advocate for the decree holder is present and moves before the Court.

One petition under section-151 of the C.P.C has been filed on behalf of the judgment debtor with a prayer for amendment of the stay application and also files a petition with a prayer for time for hearing of the stay petition till the disposal of the stay application.

Heard. Perused the record.

Considered.

The instant petition contemplates an Order allowing the the judgment debtor to amend the petition for stay as the judgment debtor is desirous to incorporate the fact that the judgement debtor has acquired title in respect of the decreetal premises by way of adverse possession. The Ld. Advocate for the decree holder raised strong objection against the prayer of the judgment debtor.

It appears from the record that there are two petitions for stay filed by the judgment debtor. One is dated 12/04/2023 and another is dated 13/03/2024. Both the petitions are alive. But the instant petition for amendment does not disclose anything as to which stay petition the judgment debtor is willing to amend. In absence of any specific mention thereof, the instant application appears to be vague, thus liable to be rejected.

Accordingly the petition dated 24/04/2025 under section 151 of the CPC filed by the judgement debtor is rejected.

The said petition is thus disposed of.

So far as the petition for adjournment is concerned, this Court is to state that the petitions for stay are pending since long. The prayer for time made by the judgment debtor for hearing of the stay application was allowed as last chance on 03/01/2025. Thereafter again on 06/02/2025 the judgment debtor filed adjournment petition on the ground of illness, which was allowed with cost. On 13/03/2025 the hearing of the stay petition could not be heard due to absence of the Ld. Senior Counsel of the judgment debtor. Keeping in view the conduct of the judgment debtor, this Court is not inclined to adjourn the hearing further.

Accordingly, the petition for adjournment is rejected.

Both the petitions for stay dated 12/04/2023 and 13/03/2024 are rejected as not moved.

Fix 25-06-2025 for awaiting Order from Misc Case 61 of 2023.

Typed, Corrected and Printed by me.

Judge, Bench-4
PSCC, Calcutta
J.O Code WB01174

Judge, Bench-4
PSCC, Calcutta
J.O Code WB01174