

Ej Ex 71 of 2023  
WBPS01-000296-2023

Before: Smt. Sudipa Banerjee, Ld. Judge, 3<sup>rd</sup> Bench

Order No: 12

Date: 14-08-2024

Today is fixed for hearing of stay petition filed by the judgment debtor dt. 13.08.2024. W/o if any, in the mean time.

Decree holder takes no step.

Judgment debtor files hazira.

Ld. Advocate for the decree holder found present in Court.

Now, the instant petition, for stay of operation of execution proceedings, filed by the judgment debtor is taken up for consideration.

Heard Ld. Advocates for both sides. Perused the petition and other materials on record.

Record reveals that instant Execution Case arose out of Ejectment Suit being no 239 of 2019 and the same suit was decreed ex-parte on 15.12.2022.

The judgment debtor/ defendant has filed a Misc. Case being no 109 of 2024 under Order 9 Rule 13 of the C.P.C. in the original Ejectment Suit 239 of 2019, for setting aside the exparte order and decree passed by this Court. The said Misc. Case has been fixed on 06.11.2024 for S/R and A/D.

Today, by filing a put up application in the Misc. Case 109 of 2024, the judgment debtor/ defendant also files a petition for stay of operation of judgment and decree passed in the Ejectment Suit 239 of 2019 and the said petition is also heard today. The said Misc. Case has been fixed on 19.08.2024 for passing order of stay petition.

Instant Execution Case is also fixed today for delivery of possession with the help of police. Since, both the stay petition filed in the Misc. Case 109 of 2024 and in the Ejectment Execution

contd.....

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Case 71 of 2023 have been heard today and fixed on 19.08.2024 for passing order, the execution of writ of delivery of possession with the help of police fixed today is hereby withheld till disposal of the stay petitions filed by the judgment debtor/ defendant.

Office is directed to inform the police authority at once.

Fix 19-08-2024 for passing order of stay petition.

**Sudipa Banerjee**  
[J.O. Code: WB01148]  
Judge, 3<sup>rd</sup> Bench  
Presidency Small Cause Court,  
Calcutta