

IN THE COURT OF DISTRICT JUDGE,  
SOUTH 24-PARGANAS AT ALIPORE

**Misc. Appeal No. 4 of 2026**

Present : Smt. Monikuntala Roy (WB01088) District Judge-in-charge,

**Mr. Susanta Ghosh** ..... **Appellant/Plaintiff**

**Vs.**

**M/s Make Life Constructions Pvt Ltd. .... Respondent/Defendant**

**Order No. 03, dated 23.03.2026**

The record is taken up by a put up petition filed by the appellant along with an application stay.

As per Office report, no caveat has been filed.

As such, the application for stay is taken up for hearing.

The case of the appellant/defendant no.3 in brief is that the appellant has filed the petition for stay being aggrieved and dissatisfied by an order dated 20<sup>th</sup> November, 2025, issued by the Learned 4<sup>th</sup> Court of Civil Judge (Senior Division) at Alipore in Title Suit No. 1141 of 2014. This appeal arises from a suit originally filed by the Respondents for eviction, khas possession, and the recovery of arrears of rent and mesne profits. The Respondent's claim includes a demand for Rs. 54,600/- as arrear rent and a tentative claim of Rs. 75,000/- for mesne profits, bringing the total suit valuation to Rs. 1,33,800/-. The Appellant has strongly contested this valuation, asserting that it is arbitrary, incorrect, and intentionally inflated to bypass the lower Courts and bring the matter within the pecuniary jurisdiction

of the Senior Division. A primary contention raised by the Appellant is that the monthly rent for the premises is only Rs. 350/-, which results in an annual rental value of just Rs. 4,200. He has argued that under the Suit Valuation Act and the Court Fees Act, a suit involving such a low rental value should be filed in the lowest possible forum, such as the Junior Division, rather than the Senior Division. Furthermore, the Appellant has pointed out a significant discrepancy in the Respondent's timeline; the Respondents purchased the property on 28<sup>th</sup> September, 2013, yet they claimed a cause of action and arrear rent starting from 01.09.2013. The Appellant has stated that the Respondent cannot legally claim rent for a period before they actually owned the property. The Appellant has clarified that the property was originally rented to Krishnamoyee Ghosh, who passed away in 1989. Because the tenancy began long before the West Bengal Premises Tenancy Act of 1997, the Appellant argued that he is governed by the 1956 Act and is legitimate statutory tenant rather than trespassers. He further stated that he is not defaulter, as he has consistently paid rent and have even filed separate applications under Sections 7(1) and 7(2) of the 1997 Act to determine any alleged arrears, which are still pending. It has been contended that the impugned order was passed in haste, overlooking critical provisions of law and causing them serious prejudice and irreparable injury. Consequently, the Appellant is praying for a stay of all further proceedings in Title Suit No. 1141 of 2014 until this appeal is fully disposed of, asserting that the suit itself is mala fide, vexatious, and devoid of truth.

Ld. Advocate for the appellant has referred a decision of the Hon'ble High Court at Calcutta reported in **AIR 1987 Supreme Court 1947, 1997 2 Cal 317: 1996 2 CHN 436.**

Heard the submission of the Ld. Advocate for the appellant.

Perused the documents annexed with the stay application. Considered.

Having heard the submission of the Ld. Advocate for the appellant and after carefully perusing the documents annexed herein with the application and perusing the memorandum of appeal along with the impugned order, this Court finds that Appellant has made out a strong prima facie case for the appeal. If the proceedings in the trial court are allowed to continue while the question of jurisdiction is pending before this appellate forum, it would lead to a multiplicity of proceedings and potentially render the present appeal infructuous. The balance of convenience clearly lies in favor of staying the lower court proceedings to preserve the integrity of the judicial process.

Hence, it is

**ORDERED**

that all further proceedings in Title Suit No. 1141 of 2014, pending before the Learned 4<sup>th</sup> Court of Civil Judge (Senior Division) at Alipore, be and the same are hereby stayed till 23.04.2026.

The Appellant is directed to serve a copy of this order upon the Respondents/Plaintiffs within seven days and file an affidavit of service to that effect.

Fix 23.04.2026 for SR and AD.

Dictated & corrected by me,

Sd/- Smt. Monikuntala Roy

District Judge, I/c

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District Judge, I/c