

EJECTMENT APPEAL NO. 02 of 2022

Order No.07

05.08.2022

Both parties are present through Advocate's hazira.

Record is taken up for hearing of the appeal.

Ld. Advocate for the respondent is present.

In spite of repeated calls, none appears for the appellant and the appellant himself is not present in Court.

Ld. Advocate for the respondent submits that the appellant is enjoying an interim order of stay of the impugned judgement without payment of any occupational charges on the strength of the order passed earlier in this appeal.

On perusal of the case record, I find that the interim order of stay was granted in favour of the appellant and the said interim order got extended from time to time on the prayer of the appellant. The force of the interim order was till this date. Today even though it is now 12.00 pm no petition for extension of the interim order of the stay has been filed from the end of the appellant. In the absence of such a petition, it can be logically presumed that the appellant herein is not interested in getting the relief of the extension of the interim order of stay. The Ld. Court is also bereft of the authority to extend the interim order of stay passed earlier in favour of the appellant in the absence of any formal prayer to that respect from the end of the appellant. In the light of such a situation, no alternative rests with the Ld. Court but to observe that there will be no extension of the interim order of stay after this date. Accordingly, the interim order of stay granted in favour of the appellant on the earlier occasion shall not continue to exist any longer.

The appeal shall be taken up for hearing on **01.11.2022**.

Both the appellant and the respondent must come ready positively on the next date for hearing of the appeal.

Office is directed to call for the LCR on the next date.

D/Corrected by me

A.D.J, 3rd Court, Alipore.

Addl. District Judge,
3rd Court Alipore.

Later :-

It is now 12.40 pm. An application for extension of interim order of stay passed earlier in this appeal from the end of the appellant. No copy served upon the respondent.

Ld. Advocate for the appellant is present, but Ld. Advocate for the respondent who was present in the earlier occasion is not before the Ld. Court. It is quite reasonable that the Ld. Advocate for the respondent who had already gathered information about the order passed today on the earlier occasion will not be under any obligation to present himself before the Ld. Court at this juncture.

The said application for extension of the interim order of stay cannot be taken up for consideration in the absence of the Ld. Advocate for the respondent.

Accordingly, I am inclined to fix another date for adjudication of the same.

To date

D/Corrected by me

A.D.J, 3rd Court, Alipore.

Addl. District Judge,
3rd Court Alipore.