

EJECTMENT APPEAL NO. 02 of 2022

Order No.09

01.11.2022

Record is put up by a petition.

Ld. Advocate for the appellant is present.

Along with the said put up petition and a petition is being filed for condoning the delay in filing the application for extension of the interim order of stay on the earlier occasion.

Ld. Advocate for the appellant submitted that the law clerk of the Ld. Advocate for the appellant went to serve a copy of the petition which is filed to day along with the application for extension of the interim order of stay, but none from the side of the respondent shown any willingness to receive a copy of the said applications. In this respect, the Ld. Advocate for the appellant has filed an affidavit of service duly shown by his law clerk who went to effect the said service.

Let the affidavit of service be kept with the record.

It is also ventilated from the end of the appellant that the appellant will be seriously prejudiced in case the interim order of stay passed in favour of the appellant on the earlier occasion is not extended further. As per the Ld. Advocate for the appellant, the appellant cannot be made to suffer in the face of any laches on the part of the Ld. Advocate for the appellant.

After hearing the submissions of Ld. Advocate for the appellant and on perusal of the materials in the case record, I feel that the interim order of stay can be extended at this juncture.

Accordingly, the petition for extension of the interim order of stay filed earlier by the appellant stands allowed and the interim order of stay passed on the earlier occasion in this appeal in favour of the appellant shall remain extended till the next date.

Contd.. order No. 09 dated 01.11.2022

By the earlier order dated 05.08.2022 it was observed that there shall be no order of stay in favour of the appellant in force.

So, by this order of mine the interim order of stay passed by the Ld. District Judge on 11.04.2022 in this appeal stands extended till the next date.

Taking into consideration the present circumstance associated with the passing of the order I am inclined to observe that the passing of the present order of stay will not cause any detriment to the exercise of the rights of the parties in other proceedings.

To date for hearing of appeal.

S/d PP Chakravorty

*D/Corrected by me
S/d PP Chakravorty*

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

*Addl. District Judge,
3rd Court Alipore.*