

28.07.2022
Item No.08
Court No.32
Avijit Mitra

FAT 84 of 2022
with
IA No. CAN 1 of 2022

Sri Rabindra Nath Mondal & ors.
- Versus -
Lakshmikanta Parmanya & ors.

Mr. Partha Sarathi Roy,
Mr. Dyutiman Banerjee
....for the appellants
Ms. Kabita Rani
...for the respondents

The present appeal has been preferred challenging the judgment and decree dated 3rd March, 2022 passed by the learned Judge (Senior Division), Basirhat, North 24 Parganas in Title Suit No.110 of 2018. In connection with the appeal, an application for stay being IA No. CAN 1 of 2022, has also been preferred.

Mr. Roy, learned advocate appearing for the appellants submits that during pendency of the present appeal, a Title Execution Case No.3 of 2021 has already been preferred by the respondents before the learned Judge (Senior Division), Basirhat, North 24 Parganas and unless the *interim* order, as prayed for, is passed, the appellants would suffer serious prejudice.

Ms. Rani, learned advocate appearing for the respondents submits that the appellants are illegally possessing the land since the year 2006 and that there is no merit in the present appeal.

Upon hearing the learned advocates appearing for the respective parties and upon considering the materials on record, we are of the opinion that it would be appropriate to grant an interim stay on reasonable terms.

There shall be an unconditional stay of all further proceedings in Title Execution Case No.3 of 2022 for a period of four weeks from date.

The appellants are directed to deposit a sum of Rs. 10,00,000/- (Rupees Ten Lakh) only with the Registrar General, High Court, Calcutta within the aforesaid period of four weeks from date.

In the event such amount is deposited, the Registrar General shall invest the said amount in a suitable interest bearing fixed deposit with any nationalized bank of his choice and such deposit will be kept renewed until disposal of the present application for stay.

In the event, the said amount is deposited within the aforesaid period, the order of stay shall continue till the disposal of the present application for stay.

In the event, the said amount is not deposited within the aforesaid period, the respondents would be at liberty to proceed with the title execution case.

The respondents would be at liberty to file their affidavit-in-opposition to the said application within a period of four weeks. Reply thereto, if any, be filed within four weeks thereafter.

The parties would be at liberty to mention the matter for enlistment after expiry of the period as fixed above towards exchange of affidavits.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Raja Basu Chowdhury, J.) (Tapabrata Chakraborty, J.)