

Court No. 6
(265719)

16.07.2026
(AD 32)
(S. Banerjee)

CO 2229 of 2026

Santosh Kumar Kanoria
Vs.
Probir Mitra

Mr. Ratul Das
Mr. Brijesh Kumar Singh
Mr. Om Prakash Prasad
Ms. Ankita Upadhyay
Mr. Srinjoy Bera

...for the petitioner

Mr. Sourav Sen, Sr. Advocate
Mr. Arun Kumar Das
Mr. Triptimoy Talukder
Mr. Dibyendu Ghosh
Mr. Diptomoy Talukdar

...for the opposite-party

This application under Article 227 of the Constitution of India is at the instance of the appellant in Title Appeal No. 86 of 2025 and is directed against an order being no. 10 dated June 30, 2026 passed by the learned Judge, City Civil Court at Calcutta in Title Appeal No. 86 of 2025. By the order impugned, the order of stay of operation of the judgment and decree passed in Ejectment Suit No. 369 of 2022 automatically stood vacated.

Learned advocate appearing for the petitioner submits that there was only two days' delay in making the payment with regard to the current month's occupation charges. He further submits that the entire amount for the period from January, 2026 to June, 2026 has been deposited in Court. He further submits that Demand Draft(s) for a similar

amount is also lying in the Court as the opposite-party has refused to accept the same.

Mr. Sen, learned Sr. Advocate appearing for the opposite-party submits that since the petitioner failed to deposit the amount within the stipulated timeframe, the order of stay stood vacated.

After hearing the learned advocates appearing for the respective parties this Court finds that the directions passed upon the petitioner to pay occupation charges as a condition for stay, has been substantially complied with by the petitioner. That apart, though the petitioner was required to deposit the occupation charges for six months, if amounts deposited by the petitioner as court deposit and the demand draft(s) are taken together, the petitioner has paid the occupation charges for 12 months.

Thus, the occupation charges for six months have been tendered by the petitioner in advance.

For such reason this Court is inclined to extend the order of stay till the disposal of Title Appeal No. 86 of 2025.

There shall be an order of stay of operation of the judgment and decree dated September 25, 2025 passed in Ejectment Suit No. 369 of 2022 till the disposal of Title Appeal No. 86 of 2025. The amount deposited by the petitioner by way of court deposit and the amounts under Demand Drafts lying in Court records shall be adjusted against the occupation

charges current and future. After such adjustment, the petitioner shall be obliged to comply with the directions passed by the learned Judge of the appellate Court with regard to payment of monthly occupation charges as a condition of stay.

At this stage Mr. Sen, learned Sr. Advocate, appearing for the opposite-party submits that August 18, 2026 is fixed for hearing of the appeal. He further submits that the appeal is otherwise ready for hearing.

In the light of the submission made by Mr. Sen, Sr. Advocate, this Court requests the learned 6th Judge, City Civil Court at Calcutta to take up the hearing of the appeal on August 18, 2026 if the same is otherwise ready for hearing and to make an endeavour to dispose of the same as expeditiously as possible.

It will be open to the respective parties to approach the learned judge of the appellate Court for handing over the Bank Drafts to the opposite parties. If such an approach is made, the learned judge of the appellate Court shall direct handing over the Bank Drafts to the opposite parties forthwith.

CO No. 2229 of 2026 stands disposed of with the aforesaid observation and direction.

(Hiranmay Bhattacharyya, J.)