

D/L- 17
26/09/2025
Ct. No.-6
Aritra

C.O. 3632 of 2025

**Smt. Sumana Kundu & Ors.
Vs.
Sri Jagatjyoti Adak & Ors.**

Mr. Rajdeep Bhattacharya
Mr. Souradeep Dutta
Mr. Himadree Ghosh

....for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the appellant in Title Appeal No.2 of 2024 and is directed against an order being No.9 dated August 20, 2025 passed by the learned Civil Judge (Sr. Div.), Chandernagore, District-Hooghly.

By the order impugned the learned judge of the first appellate court directed the petitioner to pay occupation charges at the rate of Rs.6000/- w.e.f. the date of the judgment and decree passed by the learned trial judge i.e. from December 14, 2023.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that an exorbitant amount on account of occupation charges has been fixed by the learned judge of the appellate court. He submits that the property is situated within the jurisdiction of Tarakeswar Municipality.

However, taking note of the fact that the decretal property is a shop room and the petitioner is exploiting the same for commercial purpose, the petitioner should pay occupation charges as a condition for an order of stay of

all further proceeding of the execution case. Since the decree was passed sometimes in the month of December, 2023 and more than 18 months have elapsed since the passing of the said judgment and decree, this Court directs the petitioner to deposit a sum of Rs.60,000/- before the learned Executing Court on or before October 31, 2025.

There shall be an unconditional stay of all further proceedings of the connected title execution case till October 31, 2025. In the event the aforesaid amount is deposited within the time limit indicated hereinbefore the order of stay shall continue till the end of the month of November, 2025 or until further orders, whichever is earlier.

Petitioner is directed to serve a copy of this application by registered post with acknowledgement due and file an affidavit of service on the next date.

Petitioner will be at liberty to communicate the gist of the order to the learned trial judge.

It is however made clear that the said deposit shall be adjusted with the amount of occupation charges that may be directed to be paid by the petitioner to the opposite party.

List this matter under the heading 'For Orders' on November 20, 2025.

(Hiranmay Bhattacharyya, J.)