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17.03.
2025
Ct. No.237

CO 3784 of 2024

Shahnaz Haque
Vs.
Ansar Ali & Ors.

Mr. Bijoy Adhikary
Ms. Susmita Adhikary
Mr. Ashis Bhukta
.....For the Petitioner

Mr. Rahul Karmakar
Mr. Santu Nandy
.....For the Opposite Parties

This is an application wherein the petitioner has challenged order no. 62 dated 19.07.2024 passed by the learned Small Causes Court, 4th Bench, Calcutta in Misc. case no. 196 of 2023.

By the impugned order learned court below has stayed the ejectment execution case no. 19 of 2023 till disposal of the Misc. case filed under Order 21 Rule 98 and 101 on condition that the petitioner shall pay the occupational charges @ Rs.9,000/- per month with effect from the date of the decree.

It is submitted that one Misc. case under Order 9 Rule 13 of the Code of Civil Procedure has been filed by opposite party no.4 herein for setting aside the decree which is still pending for disposal. It is further submitted by the petitioner that the trial court did not consider that the petitioner is the absolute owner of the entire decretal property and as



such he is not liable to pay any occupational charges in respect of the suit property.

Learned counsel appearing on behalf of the opposite parties raised objection contending that the petitioner herein is a third party. In terms of the valuation of the property the trial court was justified in passing the order for payment of occupational charges.

Opposite parties also seek to file affidavit-in-opposition.

Let the affidavit-in-opposition be filed within a week.

The impugned order dated 19th July, 2024 passed by the learned Small Causes Court, 4th Bench, Calcutta in Misc. case no. 196 of 2023 be stayed for a period of four weeks or until further orders, whichever is earlier.

Let the matter be listed under the heading “Contested Application” on 25th March, 2025.

(Dr. Ajoy Kumar Mukherjee, J.)



2025:CHC-AS:1856