

17th February,
2026
(AK)
28

S.A.T 284 of 2025
IA No: CAN 1 of 2025

Natun Pathsala and another
VS
Sri Probir Kumar Biswas and others

Ms. Anyasha Das
...for the appellants.

Mr. Gopal Ch. Ghosh, Snr. Adv.
Mr. Rajkrishna Mondal
...for the respondents.

1. This appeal will be heard on the following substantial questions of law:
 - i) Whether the requirement of the plaintiffs/respondents can be satisfied by partial eviction of the appellants/tenants from the suit property.
 - ii) Whether the learned courts below substantially erred in law in overlooking the alternative accommodation of the plaintiffs/respondents at Premises No. 4, Bhupen Bose Avenue, Kolkata-700004.
 - iii) Whether the learned Judge of the First Appellate Court substantially erred in law in affirming the findings of the trial court without coming to any independent finding as to the exact rooms required by the

plaintiffs/respondents, while passing a decree of eviction on the ground of reasonable requirement.

2. Since we have admitted the second appeal, a strong *prima facie* case for grant of stay has been made out.
3. Accordingly, there shall be stay of all further proceedings in Ejectment Execution Case No.46 of 2023 pending in the Additional Court of learned Civil Judge, Junior Division at Sealdah, District-South 24 Parganas till disposal of the application.
4. The respondents shall file their affidavit-in-opposition to the stay application within a fortnight from date. Reply thereto, if any, shall be filed within a week thereafter.
5. It is made clear that the questions of imposition of occupation charges as condition for stay as well as the quantum of such occupation charges are kept open for being decided at the final hearing of the stay application.
6. Liberty to the parties to mention the stay application before the learned Single Judge then having determination, as and when the time frame given above for filing of affidavits is over.
7. On the prayer of learned senior counsel appearing for the respondents, the trial court records are

directed to be brought by special messenger at the cost of the respondents, to be deposited within a week from date.

8. In view of the appearance of the respondents through their learned Advocate, service of notice of the appeal on the respondents is dispensed with and the appeal be treated to be ready as regards service.
9. The respondents shall prepare and file the requisite number of informal paper books without comparing with the records within six weeks from the date of service of notice of arrival of the trial court records on the learned Advocate for the respondents.
10. For such purpose, the office shall serve notice of arrival of the trial court records on the learned Advocates for the appellants as well the respondents.
11. A copy of the Memorandum of Appeal shall be supplied by the learned Advocate for the appellants to the learned Advocate-on-record for the respondents by tomorrow, that is, February 18, 2026.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)