

22.01.2026
Item No.05
BR

CO 4577 of 2025
Barun Goswami and another
-vs-

**Pallab Kumar Chattopadhyay and
another**

Mr. Pinaki Ranjan Mitra,
Mr. Joydip Basu
... for the petitioner

1. The civil revision has been preferred challenging an order dated 06.12.2025 passed in Ejectment Execution Case No. 18 of 2024 by the learned Civil Judge (Senior Division), 5th Court, Alipore South 24-Parganas.
2. It is submitted by the learned counsel appearing for the petitioner that an application under Order 9 Rule 13 Civil Procedure Code is pending before the trial Court in respect of an ex parte decree which has been put into execution.
3. On the prayer for stay by the petitioner/defendant herein, the Court vacated its order dated 30.8.2025 and was pleased to pass

an order of conditional stay, which the petitioner admits is being partly complied with by him, considering his financial condition.

4. Vide the impugned order dated 6.2.2025, the trial Court has been pleased to vacate the order of stay on the finding that the earlier order dated 30.8.2025 granting stay was not duly complied with by the petitioner.
5. It is submitted by the petitioner herein that they are till date making payment at the rate of Rs. 4000/- per month by depositing the same before the trial Court. The only dispute regarding the order of stay is that the petitioner could not pay the arrear amount.
6. Considering the said facts the petitioner has prima facie made out a case for hearing.
7. Accordingly, petitioner to serve upon the opposite parties and file affidavit of service on the next date of hearing.
8. Pending hearing the execution case being no. 18 of 2024 pending before the learned Civil Judge (Senior Division), 5th Court,

Alipore South 24-Parganas be stayed till 30th March, 2026 or until further order whichever is earlier.

9. Matter be placed before the regular Bench in due course.

(Shampa Dutt (Paul), J.)