

19.09.2025
Item No.21
Ct. No.01
Saikat

FAT/427/2024
with
CA/1/2025
with
CAN/2/2025

AJIT KUMAR DAS
VS.
DILIP KUMAR GHOSH AND ANR.

Mr. Shyamal Kr. Das, Adv.
Mr. Pronojit Roy, Adv.

...For the Appellant

Mr. Arindam Kundu, Adv.
Mr. Sarbaji Mukherjee, Adv.
Ms. Rumpa Adhikary, Adv.
Mr. Rounak Dey, Adv.

...For the Respondents

In Re: CAN 2 of 2025

1. There is a delay of 234 days in filing the appeal.
2. As sufficient cause has been shown for not preferring the appeal within the period of limitation, the delay in filing the appeal is condoned.
3. Accordingly, the application being Can 2 of 2025 is allowed and disposed of.

In Re: CAN 1 of 2025 in FAT 427 of 2024

4. The appeal is arising out of an eviction decree passed by the learned Civil Judge (Senior Division), 4th Court, Alipore. The eviction decree has been put to execution.
5. We have heard the learned advocates appearing for the parties.
6. In order to show *bona fide* the appellant shall deposit Rs.20,000/- (Rs.10,000/- each) with the plaintiffs within one week from date. There shall be an

unconditional stay of operation on the impugned decreed for a period of one week. In the event, the said amount is deposited to the plaintiffs within the aforesaid period, the order of stay shall continue for a period of 8 weeks or until further orders, whichever is earlier.

7. Affidavit-of-Opposition shall be filed on or before 31st October, 2025, reply if any, shall be filed on or before 7th November, 2025.
8. The Stay application shall be listed on 10th November, 2025, when the prayer for enhancement of the occupation charges shall be considered.

[SOUMEN SEN, C.J.(ACTING)]

(BISWAROOP CHOWDHURY, J.)