

24.02.2026

Item no.DL 38
Court No. 16

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Case No.

FA 418 of 2025
with
CAN 1 of 2025

In the matter of :

AJIT KUMAR DAS

.... Appellant

VS.

DILIP KUMAR GHOSH & ANR.

....Respondents

For the Appellant :

Mr. Shyamal Kr. Das
Mr. Pronojit Roy
Ms. Krishna Yadav
Ms. Bushra Neshat

....Advocates

For the Respondents :

Ms. Arindam Kundu
Mr. Aniket Nanda

....Advocates

In Re : I. A. No. CAN 1 of 2025

1. The supplementary affidavit, affidavit-in-opposition and rejoinder to the supplementary affidavit filed today be taken on record.
2. CAN 1 of 2025 is taken up for hearing.
3. By filing the said application, the appellant has prayed for stay of the impugned judgment and decree dated July 9, 2024 passed by the learned Civil Judge (Senior Division), Fourth Court at Alipore in Title Suit no.2487 of 2016.

4. Learned counsel representing the appellant/tenant submits that the shop room is situated on the Rashbehari Avenue, a prime location of the city of Kolkata, and measures about 150 sq. ft. and from the said shop room, the appellant is currently selling toys. As such, it is contended that the appellant is not earning too much from the said shop room.
5. *Per contra*, learned counsel representing the respondents / landlords relies on a report filed by a valuer wherefrom it reveals that the valuer has estimated the occupational charges to be Rs.25,000/- per month.
6. Considering the submissions of learned counsel and taking into consideration the valuation report, the extent of tenancy and the location, this Court is of the view that Rs.8,000/- per month is justifiable as occupational charges.
7. In such circumstances, the appellant / tenant is directed to pay occupational charges at the rate of Rs.8,000/- per month to the landlord / respondents in the bank account of the respondents, the particulars of which shall be provided by the learned counsel representing the respondents to the learned counsel representing the appellant / tenant. The said amount shall be payable commencing from the month of March

and it shall be paid within 15th of March, 2026. Thereafter, the current occupation charges shall be paid by the 15th day of each succeeding month till disposal of the appeal.

8. The arrears of occupation charges shall be paid by the appellant from the date of the impugned judgment till the month of February, 2026 by way of three equal monthly instalments, which shall commence from the month of March, 2026 and shall be payable within the last day of each month. The arrear amount shall be paid after adjustment of the amount already paid pursuant to the previous direction of this Court.
9. In such circumstances, CAN 1 of 2025 is disposed of by granting stay of operation of the impugned judgment and decree as well as all further proceedings in the connected execution case till disposal of the appeal, subject to the condition that the above payments shall be made; in default of any of the payments, the order of stay shall stand automatically vacated without further reference to the Court.
10. In view of the appearance of the respondents through their learned counsel, the appeal is treated to be ready as regards service.

11. The Trial Court Records shall be brought by the Special Messenger at the cost of the appellant, to be deposited within a week from date.
12. The appellant 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 appellant.
13. Liberty is granted to the parties to mention the appeal for inclusion in the list as and when the appeal is ready for hearing.
14. There shall be no order as to costs.
15. All parties shall act on the basis of the server copy of this order, duly downloaded from the official website of this Court.
16. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties expeditiously upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)