

Sl.10
18.08.2026
Court No.6
BP

C.O. 2646 of 2026

Utpal Kumar Das
-versus-
Tapash Saha & Ors.

Mr. Pinaki Dhole
..for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being no. 51 dated 22nd May, 2026 passed by the Learned Civil Judge (Senior Division), Chanchal, Malda in O.C. Execution Case No.05 of 2021.

By the order impugned the application under Order 21 Rule 29 of the Code of Civil Procedure was allowed thereby staying the O.C. Execution Case No. 5 of 2021 subject to certain conditions.

Mr. Dhole, learned advocate appearing for the petitioner submits that the partition suit was filed by the opposite parties sometimes in the year 2023. He further submits that the opposite parties have not yet complied with the direction to deposit the amount as security deposit by the impugned order.

The learned judge of the executing court was right in holding that the preconditions laid down under Order 21 Rule 29 of the Code of Civil Procedure has been satisfied in the instant case as the partition suit has been

filed by the opposite parties i.e. the judgement debtors in the instant proceeding and the same is pending.

This Court does not find any infirmity in the order impugned warranting interference under Article 227 of the Constitution of India.

C.O. 2646 of 2026 stands disposed of by granting liberty to the petitioner to approach the executing court in the event the conditions stipulated in the impugned order has not yet been complied with by the opposite parties.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)