

Sl.26
10.09.2026
Court No.6
BP

C.O. 3082 of 2026

Md. Jiaul Haque
-versus-
Irmanul Haque

Ms. Salma Sultana Shah
Mr. Sani Hossain
Mr. Miraj Hossain
..for the petitioner

The grievance of the petitioner is that the learned executing court is not proceeding with the execution case though no order of stay has been passed in the first appeal filed by the opposite parties herein.

It is well settled that mere pendency of a first appeal does not operate as a stay of proceedings of the execution case.

In view of the order sought and proposed to be passed, there is no necessity to issue notice upon the opposite parties. However, the learned advocate appearing for the petitioners shall be obliged to forward a copy of this application along with this order upon the opposite parties or upon the learned advocates representing them before the learned executing court.

In the light of the submissions made by the learned advocate for the petitioners, C.O. 3082 of 2026 stands disposed of by requesting the learned Civil Judge (Senior Division), Malda to take steps to proceed with the execution case being O.C. Execution Case No.3 of 2022 in

accordance with law provided that there is no order of stay passed by any superior forum.

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.)