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SK
Ct. No. 18
21.12.2020

**C.O. No. 1600 of 2020
(Via Video Conference)**

**Tapan Kumar Deb & Ors.
Vs.
Smt. Mukti Rani Ghosh & Ors.**

Mr. Jiban Ratan Chatterjee, Sr. Adv.,
Mr. Gautam Thakur,
Mr. Debasis Ghosh ... For the petitioners.

The petitioners have suffered a decree of ejectment. The said decree, when was put into execution gives rise to O.C. Execution Case No. 02 of 2008 before the learned Civil Judge, (Junior Division), Raiganj, Uttar Dinajpur.

The Executing Court by the order impugned being Order No. 88 dated October 9, 2020 has allowed an application filed by the decree-holders/opposite parties for breaking open the padlock of the suit property.

Mr. Jiban Ratan Chatterjee, learned senior Counsel appearing on behalf of the petitioners draws my attention to the order sheet of the said execution case to contend that by the Order No. 88 dated October 9, 2020 the Executing Court initially adjourned the hearing of the said execution case to January 8, 2021, but on the self-same date allowed an application of the decree holders ex-parte for breaking open the padlock of the suit property by striking out the initial order. He submits that for the said irregularity the entire execution case should be quashed. Mr. Chatterjee alternatively submits that the petitioners at

least are entitled to put forward their objection to the said application.

Heard Mr. Chatterjee, perused the materials on record.

The decree under execution was passed on August 27, 1998 and it has attained finality. The Executing Court vide Order No. 14 dated November 22, 2019 has allowed the prayer of the decree-holders for police assistance to execute the said decree. There is no valid defence available to the judgment-debtors to resist the execution of the said decree, as it appears from the materials available on record.

Therefore, merely because an application in aid of the execution of such a decree, has been allowed ex-parte is no ground either to quash the entire execution case or to interfere with the order impugned.

C.O. 1600 of 2020 is devoid of any merit and is accordingly dismissed.

No order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)