

06.04.2021
(S/L-03)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 244 of 2020

Shahnawaj Ahmed & Ors.
-Vs-
Md. Mafizul Ahamed & Ors.

Mr. Anirban Mitra,
Mr. P. C. Mitra,
Ms. Saberi Saha,
Mr. Amit Halder,
..... For the Petitioners.

The revisional application under Article 227 of the Constitution of India is at the instance of the judgment-debtors of the decree passed in a suit for eviction and is directed against an order dated September 21, 2019 passed by the 2nd Court of Learned Civil Judge (Junior Division) at Basirhat, District 24-Parganas (North) in Misc. Case no. 47 of 2014.

The petitioners in the execution case, levied to execute the said decree of eviction filed an application under Section 47 of the Code of Civil Procedure questioning the executability of the said decree on the ground that the description of the suit property is vague which is not matching with the property under occupation of the petitioners and also on the ground that there is a subsisting order of injunction passed in a suit for

partition between the co-sharers of the suit property.

The Executing Court in its elaborate order, which is under challenge in the present revisional application has dismissed the said application holding that there is no ambiguity in the description of the suit property and the said order of injunction has got no nexus in execution, discharge and satisfaction of the said decree.

The executing Court while dismissing the said application under Section 47 of the Code has considered the entire materials on record in detail.

This Court in exercise of the jurisdiction under Article 227 of the Constitution of India is not inclined to re-appreciate the said materials to interfere with the order impugned.

C.O.244 of 2020 is, therefore, dismissed, without any 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.)