

17
SK
Ct. No. 18
25.02.2021

**C.O. No. 422 of 2021
(Via Video Conference)**

**Smt. Reba Mondal
Vs.
Smt. Sefali Das**

Mr. Srijib Chakraborty,
Mr. Debabrata Ray ... For the petitioner.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite party, as such service of notice of the present application upon the opposite party is dispensed with.

The ejectment suit filed by the petitioner in the year 1981 matures into an ex parte decree on March 10, 2006 and the said decree attained finality upon dismissal of the application of the opposite party for setting it aside.

The said decree was put into execution giving rise to Ejectment Execution Case No. 191 of 2006 before the learned Judge 6th Bench Small Causes Court at Calcutta. The application to execute the said decree by police help has been registered before the executing Court as Miscellaneous Case No. 247 of 2018.

The grievance of the petitioner is that the progress of the said execution case and the miscellaneous case

thereto is being unnecessarily dragged by the judgment debtor. The petitioner, therefore, prays a direction upon the executing Court for disposal of the said execution case and the connected misc. case within a specified time.

A suit filed in the year 1981 took almost 25 years to reach to a conclusion. The plaintiff after waiting such a long time can legitimately expect to enjoy the fruits of the decree ultimately passed in the said suit.

It is, therefore, desired that the executing Court shall control the pace of the said execution case keeping in mind the time consumed in disposing the said suit.

The executing Court is requested to make all endeavour to satisfy the decree under execution within a period of three months from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

C.O. 422 of 2021 is disposed of with the above terms.

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.)

