

05,DL,Ct.18
01.03.2021
AJ.

C.O. 424 of 2021

Amar Kumar Saha
-Vs-
Narayan Chandra Saha

Mr. Sounak Bhattacharya,
Mr. Chandra Nath Sarkar.
Mr. Debanjay Das.
... 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 this application upon the said opposite party is dispensed with.

The petitioner filed a suit for eviction of the opposite party from the suit property in the year 1989. The suit culminated into a decree on September 03, 2013. The decree attained finality upon dismissal of the First Appeal assailing the said decree on June 09, 2017 being barred by limitation.

The petitioner put the said decree into execution giving rise to Title Execution Case No. 01 of 2014 before the learned 7th Bench of the City Civil Court at Calcutta.

The petitioner took out an application under Order 21 Rule 97 of the Code of Civil Procedure registered before the executing Court

as Misc. Case No. 4252 of 2014 for police assistance to execute the said decree.

A co-ordinate Bench by an order dated June 12, 2018 passed in C.O. No. 1340 of 2018 requested the executing Court to dispose of the said Misc. case as expeditiously as possible without granting any unnecessary adjournment to either side, preferably within August 31, 2018.

The grievance of the petitioner is that in spite of such direction, the said Misc. case has not yet been disposed of.

The grievance of the petitioner is quite justified.

However, considering that the Covid-19 pandemic intervened, disrupting the regular functioning of the Court, this Court is not taking failure of the executing Court to implement the direction passed in C.O. 1340 of 2018 with a very serious note.

Be that as it may, this Court expresses its desire that the executing Court taking into consideration of the said earlier direction, shall make all endeavour to dispose of the said Misc. case within a period of four weeks from the date already fixed in the Execution case for hearing of the said Misc. case.

Needless to mention, that the learned Judge in implementing the direction made by this

order shall not entertain prayer of the parties for any unnecessary adjournment.

C.O. 424 of 2021 is disposed of with the above terms. There shall be no order for 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.)