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C.O.475 of 2021

**GADADHAR DAS VS. SMT. RANU DAS &
ORS.**

Mr. Keshab Chandra Das
Ms. Aparajita Mondal
..for the petitioner
Ms. Komal Singh
Mr. Somesh Kumar Ghosh
..for the opposite party nos. 1-7

This revisional application has been filed praying for expeditious disposal of Title Execution Case No. 5 of 2011 arising out of Title Suit No.15 of 2002, pending before the learned Civil Judge, Junior Division, 2nd Court, District Hooghly.

It is contended by the learned Advocate for the petitioner that the title execution case has been pending since long. The suit was dismissed on May 23, 2008. The title appeal was preferred and the same was allowed on December 22, 2009. The decree was put into execution on March 9, 2011. Thereafter, the execution case has been kept pending.

It is the contention of the petitioner that no second appeal has been preferred from the judgment and decree of the lower appellate court and as such the decree had become final and was binding on the parties.

Having considered the age of the suit and

having considered the materials on record, this Court is of the opinion that justice would be sub-served if the learned court below is requested to dispose of the title execution case no. 05 of 2011 within a period of five months from the date of communication of this order.

The opposite parties are represented here and as such the title execution case is ready as regards service.

This order is being passed on the submissions that there is no order staying the title execution case, passed by a superior court. The learned court below shall proceed independently and in accordance with law.

This Court has not gone into the merits of the title execution case.

This revisional application is disposed of.

There will be however no order as to costs.

Urgent photostat certified copy of this order be given to the parties on priority basis, if the same is applied for.

(Shampa Sarkar,J.)