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16.04.2021
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

(Via Video Conference)

CO 516 of 2021

**M/s. Signotron (India) Private Ltd.
-versus-
M/s. Nautica Hospitality Consulting Private Ltd.**

Mr. Sabyasachi Chaudhuri,
Mr. Rajarshi Dutta,

... for the petitioner.

Mr. Partha Pratim Roy, ... for the opposite party.

The petitioner being the decree-holder has put the decree of eviction in execution which gives rise to Title Execution Case No. 6 of 2020 before the 2nd Court of learned Civil Judge (Senior Division) at Barasat.

The judgment-debtor, the opposite party herein, in the said Execution case has filed an application under Order XXI Rule 29 of the Code of Civil Procedure praying stay of the said Execution case on the ground of pendency of another suit between the parties.

Mr. Sabyasachi Chaudhuri, learned senior counsel appearing for the petitioner, submits that pendency of the said application is causing unnecessary delay in disposal of the said Execution case and prays for a direction upon the Executing Court for expeditious disposal of the said application.

He further submits that tomorrow, i.e. April 17, 2021 is the next date fixed for hearing of the said application and his client shall file written objection to the said application tomorrow before the Executing Court.

It appears from the record that the decree under execution although is under challenge in two separate appeals filed by the parties, but no order staying further proceeding of the Execution case has been passed in either of the appeals.

On the contrary, for the failure of the judgment-debtor to comply with the condition for stay of the decree under Execution passed in the appeal filed by it, the Appeal Court has already observed that the pendency of the appeal shall not prevent the decree-holder to execute the decree.

In view of such factual backdrop, the said application under Order XXI Rule 29 of the Code is required to be heard expeditiously as the pendency of the said application would arrest the further progress of the Execution case.

The Executing Court, therefore, is directed to dispose of the said application within four weeks from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

CO 516 of 2021 is thus disposed of without any order as to costs.

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

(Biswajit Basu, J.)