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DL,CT.18.
19.03.2021
AJ.

C.O. 411 of 2021

**Central Arya Road Transport
-Vs-
Saroj Thakar & Anr.**

With

C.O. 535 of 2021

**Mrs. Saroj Thakar
-Vs-
Central Arya Road Transport & Anr.**

Mr. Aniruddha Chatterjee,
Mr. Debabrata Ray.
....for the petitioner in
C.O. 411 of 2021 &
for the opposite parties
in C.O. 535 of 2021.

Mr. S.S. Banerjee,
Mr. Ashok Kr. Jena,
Mr. Syed E. Huda,
Sk. Omar Sarif.
...for the petitioner in
C.O. 535 of 2021 &
for the opposite parties in
C.O. 411 of 2021.

These two revisional applications are arising out of the selfsame execution case, as such taken up together for analogous hearing and disposal.

The decree passed in Title Suit No. 57 of 2008 was put into execution giving rise to the connected Title Execution Case No. 183 of 2010 before the 6th Court of the learned Civil Judge-in-Charge (Senior Division) at Alipore, district 24-Parganas (South).

The Executing Court by the order dated December 16, 2020 allowed an application filed by the decree-holders on October 05, 2020 ex parte for an administrative order of police help for execution of the said decree.

The judgment-debtor has challenged the said order dated December 16, 2020 in C.O. 411 of 2021.

The judgment-debtor on February 18, 2021 filed an application for recalling of the said order dated December 16, 2020.

The Executing Court on the aforesaid application by an order dated February 22, 2021 has recalled the said order dated December 16, 2020 and decided to hear the application filed by the decree-holders on October 05, 2020 afresh.

The decree-holders have challenged the aforesaid order dated February 22, 2021 in C.O. 535 of 2021.

Mr. S.S. Banerjee, learned Counsel appearing on behalf of the decree holders/petitioners in C.O. 535 of 2021 submits that his client to avoid unnecessary delay in disposal of the execution case does not want to press the application dated October 05, 2020.

On recall of the order dated December 16, 2020 and in view of the stand taken by the decree holders/petitioners in respect of their application dated October 05, 2020, challenge to the order

dated December 16, 2020 and order dated February 22, 2021 have become infructuous, C.O. 411 of 2021 and C.O. 535 of 2021 are dismissed as such.

No order as to costs.

However, the petitioners by not pressing their application dated October 05, 2020 will not be debarred from approaching the Executing Court for appropriate order and/or orders in aid of execution of the said decree.

The Executing Court is requested to expedite the disposal of the execution case in accordance with law.

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.)