

S/L 29
16.03.2021
Court. No. 19
GB

C.O. 551 of 2021

Md. Nasim
Vs.
Nisar Ahmed @ Babulal

(Through Video Conference)

Mr. Manojit Bhattacharya.

...for the Petitioner.

This revisional application has been filed by the petitioner/decreed-holder praying for expeditious disposal of the Misc. Case No.9 of 2016 filed in connection with Title Suit No.318 of 2005, pending before the learned Civil Judge (Junior Division) at Sealdah. The opposite party/judgment-debtor filed an application under Order 9, Rule 13 of the Code of Civil Procedure for setting aside the *ex parte* decree when the decree had been put into execution.

It is contended by the petitioner that due to the pendency of the said application, the execution was not proceeding although, costs had been deposited by the petitioner. It appears that the misc. case is at the stage of cross-examination of O.P.W.1.

Under such circumstances, this revisional application is disposed of with a request upon the learned court below to dispose of the Misc. Case No.9 of 2016 in accordance with law and on its own merits within a period of two months from the next date fixed.

This Court has not gone into the merits of the application under Order 9, Rule 13 of the Code of Civil Procedure and directs the learned court below to decide all the issues independently.

Petitioner is directed to serve a copy of this revisional application along with a server copy of this order upon the opposite party.

The revisional application is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)