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AKG 24-12-2021
Ct.21

C.O. 704 of 2021
Manju Shaw & Ors.
Versus
Alapana Ganguly & Ors.

(VIA VIDEO CONFERENCE)

Mr. Tapas Kumar Dey,
Mr. A. K. Dutta
...for the Petitioners

Learned advocate appears for the petitioners. Learned advocate for the petitioners filed affidavit of service along with postal receipt and track report showing due service but none appears from the side of the opposite parties.

However, the petitioners by filing the present revisional application under Article 227 of the Constitution of India has prayed for expeditious disposal of Misc. Case No. 88 of 2016 under Order 21 Rule 101 C.P.C. filed by the judgment debtor/opposite parties in the year 2016.

Learned advocate for the opposite parties submits that the petitioners/plaintiff have filed Ejectment Suit 706 of 1988 and obtained decree in the year 2000 and immediately put the decree into execution being Execution Case No. 17 of 2000 but till date, the petitioners/plaintiff have not been able to enjoy the fruits of the decree. While the execution was pending, the defendants have come with the application under

Order 21 Rule 101 C.P.C. and without disposal of such misc. case the execution filed by the petitioner cannot proceed further.

Therefore, he prays that necessary direction may be given to the learned Court below for expeditious disposal of the misc. case of the defendant judgment debtor.

The learned Judge, 5th Bench, Presidency Small Causes Court, Calcutta is hereby directed to dispose of Misc. Case No. 88 of 2016 as expeditiously as possible and in any event, within six months from the date of communication of this order, restraining itself in granting unnecessary adjournment to the either of the parties without any reasonable cause.

Accordingly, the revisional application being **C.O. 704 of 2021** is disposed of.

Interim order, if any, granted earlier stands vacated.

There shall be no order as to costs.

Parties are on act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities.

(Kesang Doma Bhutia, J.)

