

27th July, 2021
(AD 24)
(SKB)

**C.O. 1287 of 2021
(Via Video Conference)**

**Uday Kumar Banerjee and another
Versus
Ajoy Majumder and others**

Mr. Probal Kumar Mukherjee,
Mr. Debabrata Acharyya
... for the petitioners.

Upon query of the Court, learned Counsel for the petitioners submits that no application under Order 21 Rules 97-101 of the Code of Civil Procedure is pending at the behest of the judgment-debtor/opposite parties before the Executing Court. As such, in view of the innocuous nature of the order proposed to be passed, no prior service of notice on the opposite parties is deemed necessary.

C.O.1287 of 2021 is disposed of by requesting the Civil Judge (Junior Division), Fifth Court at Alipore, District- South 24-Parganas to dispose of Ejectment Execution Case No. 29 of 2019 (F-2479/19), arising out of Ejectment Suit No. 23 of 2006, pending before the said court, as expeditiously as possible, positively within two months from the date of communication of this order to the Executing Court.

The petitioners shall communicate this order to the executing court as well as on the opposite parties and/or

their advocate in the court below at the earliest, along with a server copy of this order.

The parties as well as the court below and/or their advocates appearing in the Executing Court shall act on the communication of the learned advocate for the petitioners, accompanied by a server copy of this order, without insisting on prior production of the certified copy.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)