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C.O. 1813 of 2021

Railway Supply Corporation Pvt. Ltd
Versus
East Coast Ispat Pvt Ltd

(Via Video conference)

Mr. Joy Saha,
Mr. Tanish Ganeriwala,
... For the Petitioner.

The Court is approached under Article 227 of the Constitution of India soliciting a direction to ensure expeditious disposal of multiple interlocutory applications filed by the opposite parties in connection with pending execution case being T. Ex 65 of 2019 arising out of Title Suit No. 8305 of 2014, now pending before learned Civil Judge (Senior Division), Second Court at Alipore.

Mr. Joy Saha, learned senior advocate representing the petitioner/decreed-holder submits that petitioner got a decree of eviction in the year 2019, though the suit was filed in the year 2014. The decree has been put into execution, when the opposite party has entered his appearance and filed multiple applications intending to stall the decree so that the fruits of the decree may be delayed in any manner whatsoever.

Mr. Saha contends that till date four (4) of such applications, like application under Order 9 Rule 13 C.P.C., application for stay of execution proceeding, application under Section 5 of the Limitation Act and a separate application under Section 114 of the Transfer of Property Act filed by the opposite party are pending before the

executing Court, which have to be expeditiously disposed of.

It is thus gathered from the submission advanced by Mr. Saha that by filing multiple interlocutory applications, the entire purpose is to frustrate the decree causing delay to the instant execution proceeding.

In such context Mr. Saha has proposed for a direction so that all pending interlocutory applications may be disposed of expeditiously within a time frame.

In view of the nature of the order proposed to be made and the point sought to be addressed by this Court, the Court is of the view that it does not require any extensive hearing, and the matter may be instantly disposed of giving a suitable direction therefor, even without securing presence of the opposite party/judgment-debtor.

Accordingly, service upon the opposite party/judgment debtor stands dispensed with.

Upon perusal of the last order of the Court below, it appears that the executing Court has fixed 4th October, 2021 for hearing of Section 5 application under Limitation Act for condonation of delay.

It is gathered knowledge that till date neither Section 5 application, nor any other interlocutory application has been disposed of by the Court below.

Having considered the submissions of the learned advocate for the petitioner, the instant revisional application be disposed of directing the Court below to dispose of Section 5 application praying for condonation of delay followed by other interlocutory applications, the reference of which is

mentioned above, expeditiously as possible, providing sufficient opportunities of hearing to either of the parties to this case, but without granting unnecessary adjournments, unless it is extremely unavoidable, preferably within March, 2022.

The petitioner is directed to communicate this order to the opposite party and learned advocate appearing in the Court below, apart from making independent communication to the learned Court below.

With these directions and observations the revisional application stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the appearing parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J)