

08.12.2021
Item No. 32
Court No.18
A.J.

C.O. 3139 of 2019
(Through Video Conference)

Tapas Kanti Ghosh
-Vs-
Tusar Kanti Ghosh & Anr.

Mr. Sourav Sen,
Mr. Partha Chakraborty,
Ms. Disha Shukla.
...for the petitioner.

Mr. Tarak Nath Halder,
Mr. Animesh Paul.
.....for the opposite party no.1.

The judgment-debtor of a decree of eviction is the petitioner of the present application under Article 227 of the Constitution of India.

The decree of eviction was put into execution giving rise to the connected Title Execution Case No. 5 of 2003 before the 1st Court of the learned Civil Judge (Junior Division), Basirhat, District- 24-Parganas (North).

The petitioner in the said execution case has filed an application under Section 47 of the Code of Civil Procedure questioning the execution/satisfaction of the said decree.

The learned Trial Judge by the order impugned has refused to stay the further proceedings of the execution case pending disposal of the said application.

The application under Section 47 of the Code since has been take out eighteen years after

the decree under execution was being passed; the learned Trial Judge was not inclined to allow the prayer of the petitioner.

This Court does not find any reason to interfere with the order impugned.

C.O. 3139 of 2019 is dismissed without any order for costs.

The learned Trial Judge is requested to dispose of the application under Section 47 of the Code as expeditiously as possible 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.)