

09 12.02.2021

Ct-12

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FMAT 1047 of 2018
with
I.A No. CAN 1 of 2018(Old No. CAN 8851 of 2018)

Subhas Singh & Anr.
Vs.
Sri Jitendra Nath Roy & Ors.

Mr. Rajdeep Bhattacharya
... For the Appellant

Mr. Ashis Kumar Mukherjee
Mr. Saurabh Prasad
... For the Respondent no. 5

We have heard the learned counsel for the caveator.

We have perused the Misc. Case 3084 of 2017. It is unfortunate that the said matter was dragged due to several applications have been filed under Order 21 Rule 99 – 101 of C.P.C. and it appears that dilatory tactics have been taken by the appellants to delay the execution proceedings.

In view of the fact that other Misc. Cases are also pending.

We revive the Misc. Case no. 3084 of 2017 upon payment of Rs.25,000/- to the decree-holder within 10 days from date through the learned advocate on record of the decree-holder in trial court. Failing which, the benefit extended to the appellants shall automatically stand withdrawn without any further reference to the Court.

In the event the above cost is paid to the decree-holder, the learned trial Judge is requested to expedite the hearing of the above Misc. Case and shall proceed with the matter within a time frame without granting any

adjournment to either of the parties, unless it is unavoidable. The dilatory tactics taken by any of the parties in the execution proceedings should be dealt with properly and strictly.

A time schedule may be prepared by the Executing Court with regard to the conduct of the execution proceedings and all parties should be bound by the time schedule to be so prepared by the learned Judge in the said proceedings.

We request the learned Judge to dispose of above Misc. Case as early as possible preferably within a period of six months from the date of this order.

In view of the above the appeal and the connected application are disposed of without any order as to costs.

(Saugata Bhattacharyya,J.)

(Soumen Sen, J.)

