

52
sandip
Ct. 18
24.11.2021

**C.O. No. 1387 of 2020
(Via Video Conference)**

**Bhupati Chandra Mandal
Vs.
Arati Mandal**

Mr. Supratick Syamal ... For the petitioner.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite party, as such, service of notice of the present application upon the said opposite party is dispensed with.

The petitioner is complaining inordinate delay in disposal of the Title Execution Case No. 03 of 2016 pending before the 3rd Court of learned Civil Judge, (Junior Division) at Baruipur, District – 24 Parganas (South) and is praying a direction upon the learned Executing Court for expeditious disposal of the said execution case.

It appears from the record that the suit for eviction was decreed on June 30, 2016. The said decree was put into execution giving rise to the said execution case. The disposal of the said execution case is being deferred due to the pendency of a civil revisional application before this Court.

Mr. Supratick Syamal, learned advocate appearing on behalf of the petitioner submits that responding to a caveat being lodged by him, a copy of the said revisional application was served upon him but till date the said revisional application has not been moved.

The pendency of a revisional application itself cannot operate as stay of further proceedings of the said execution case.

The Executing Court, therefore, is directed to dispose of the said execution case expeditiously in accordance with law, preferably within a period of three available working months of the said Court on the date of communication of this order and in doing so shall not entertain prayer of the parties for any unnecessary adjournment.

C.O. 1387 of 2020 is disposed of with the above terms without any order as to costs.

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.)