

24.12.2021
(S/L-02)
Ct.No.-3
(A.J & S.M)

**Calcutta High Court
in the Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction
(Via Video Conference)**

C.O. No.57 of 2021

**Jhilmil Vanijya Private Limited
-Versus-
Sri Pradip Kumar Saha & Anr.**

Mr. Sudipto Mazumdar,
Ms. Ayushi Agarwal,
... For the petitioner.

Mr. Kunaljit Bhattacharjee,
Mr. Haidar Ali,
Mr. Abhisek palit,
....For the opposite parties.

The present application under Article 227 of the Constitution of India is at the instance of a decree-holder.

The suit filed by the petitioner was decreed ex parte.

The defendants/opposite parties have filed an application under Order IX rule 13 of the Code of Civil Procedure for setting aside of the said ex parte decree registered as Miscellaneous Case no. 8 of 2017 before the 2nd Court of learned Civil Judge (Junior Division), Jalpaiguri.

The petitioner is complaining that due to a subsisting order of stay passed in the said miscellaneous case the decree-holder is

unable to execute the said decree and is praying for a direction to dispose of the Misc. case expeditiously.

Pendency of an application under Order IX Rule 13 of the Code for more than four years is not appreciated.

C.O. 57 of 2021 is, therefore, disposed of with a request to the 2nd Court of learned Civil Judge (Junior Division), Jalpaiguri to dispose of the said miscellaneous case along with the connected pending applications, if any, as expeditiously as possible preferably within a period of three effective available working months of the said Court from the date of communication of this order, in accordance with law.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)