

24.11.2022
Item No.2
Ct. No.7
CHC
(disposed of)

C.O.309 of 2022

Subhas Chandra Das
Vs.
Jayanta Poddar

Mr. D. N. Chatterjee
...for the petitioner

A direction to secure expeditious disposal of Title Execution Case No.59 of 2018, arising out of Title Suit No.20 of 2017, pending before the learned Civil Judge (Junior Division), 2nd Court, Barrackpore, North 24 Parganas, is the ultimate relief sought for in this case.

As per submission disclosed by the learned advocate for the petitioner/decreed-holder, that challenging the *ex parte* decree, there has been a Misc. Case being No.182 of 2018, filed by judgement-debtor to assail the *ex parte* decree.

Some conditional order of stay was granted in such Misc. Case, but the condition of such stay not being complied with, the stay order granted in the Misc. Case may be deemed to have been automatically vacated.

Upon advancing such submission, Mr. D. N. Chatterjee, learned advocate appearing for the petitioner proposes for expeditious disposal of the Title Execution Case referred hereinabove.

No other point is raised requiring address by this Court.

In view of the nature of order proposed to be made in this case, no prior notice is considered to be necessary.

Service upon the opposite party stands dispensed with.

Unless the Misc. Case is disposed of in accordance with law ordinarily, the decree may not be allowed to be executed, unless there are compelling reasons surfaced at the moment. No further elaboration is felt necessary.

Accordingly, learned Civil Judge (Junior Division), 2nd Court, Barrackpore, North 24 Parganas, in connection with Misc. Case No.182 of 2018, is requested to ensure expeditious disposal of the same, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

After the disposal of the Misc. Case, the execution proceeding may be moved ahead, so as to make the fruits of the decree reach to the decree-holder within the best possible opportunity.

With this observation/direction, the revisional application stands disposed of.

Petitioner is directed to make communication of this order to the learned court below as well as to the opposite party and his learned advocate in the court below.

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

(Subhasis Dasgupta, J.)