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C.O. 778 of 2022

**Smt Chandrakala Devi Chowdhury
Vs
N. Dey & Anr**

Mr. Joydeep Guha, ... For the petitioner.

Mr. Sandip Kumar Bhattacharyya, ...
... For the opposite party No. 2.

A direction to secure expeditious disposal of a Misc Case No. 722 of 1987 under Order 21 Rule 97 of the Code of Civil Procedure, arising out of Ejectment Execution Case No. 131 of 1987 pending before the learned VIIth Bench, City Civil Court, Calcutta arising out of Ejectment Suit No. 796 of 1979, is the ultimate relief sought for in this case.

Mr. Joydeep Guha, learned advocate appearing for the petitioner submits that the pending execution case is getting delayed since 1987, and the fruits of the decree is thus not made available to the decree holder.

Mr. Sandip Kumar Bhattacharyya, learned advocate appearing for the opposite party No. 2 is present.

As per submission disclosed by the learned advocate appearing for the petitioner is that Misc Case under Order 21 Rule 97 of the Code of Civil Procedure is not moving ahead due to non availability of the original lower court records.

A direction has been there by the Court below to trace out the original record, but the entire exercise ultimately proved to be in vain.

That being the position, learned Judge, VIIth Bench, City Civil Court, Calcutta is requested to ensure expeditious disposal of Misc Case No. 722 of 1987 as referred hereinabove, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable.

This would not, however, prevent the Court below to reconstruct the original lower court records, in the event of the same being not traced out within a reasonable period of time, after adhering to the provisions of law, as available in Civil Rules and Orders.

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

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)