

12.04.2022
Item No.30
Ct. No.7
CHC
(disposed of)

**C.O.780 of 2022
(Physical Hearing)**

**Aparajita Dhak & anr.
Vs.
Narbadi Debi & ors.**

Mr. Anirban Mitra,
Mr. Amit Halder,
Md. Wasim Akram,
Mr. Akash Ghosh
...for the petitioners

A direction to secure expeditious disposal of Misc.Case No.1097 of 2015, arising out of Title Execution Case No.68 of 2014 having reference to Title Suit No.1642 of 2012 of learned Judge, 13th Bench, City Civil Court, at Calcutta, is the ultimate relief sought for in the present case.

The only contention expressed by the learned advocate for the petitioners is against the inordinate delay being caused in the disposal of pending Misc.Case, referred hereinabove.

The Misc.Case, according to learned advocate for the petitioners is getting delayed for the adjournments being granted on the prayer of the opposite parties, even after adducing evidence by the petitioners long before.

An *ex parte* decree granted in this case has been sought to be executed upon registering a Title Execution Case No.68 of 2014, and in connection

therewith the present Misc.Case No.1097 of 2015 under Order 21 Rules 97 and 101 C.P.C. has been filed.

In view of the nature of order proposed to be made in this case, no prior notice upon the opposite parties is considered to be necessary. Service upon the opposite parties, is, thus dispensed with.

Accordingly, learned Judge, 13th Bench, City Civil Court, at Calcutta, is requested to ensure expeditious disposal of Misc.Case, referred hereinabove, after causing disposal of interlocutory application, if there be any, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

While endeavouring such exercise, the learned court below may proceed with the disposal of the Misc.Case in the manner, as situation of the case would demand, taking into the account of the year of decree granted in this case, so as to dispense with the justice in a best possible manner.

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

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

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.)