

12. 19.04.
2022

AGM
/RKB
Ct
07

C.O. 837 of 2022

**Samiran Kumar Dinda
Vs.
Smt. Gouri Maity & Ors**

Mr. Soumen Kumar Dutta,
Mr. Sabyasachi Bhattacharjee,
Ms. Arpit Kundu,
... For the petitioner.

A direction to secure expeditious disposal of an execution case being No. O.Ex 02 of 2017, now pending before the learned Civil Judge (Junior Division), Second Additional Court, Contai, Purba Medinipur is the ultimate relief sought for in this case.

Admittedly, petitioner is the decree-holder and after the appellate decision touching upon the decree, the petitioner/decreed-holder put the decree into execution upon filing execution case being No. O.Ex 02 of 2017.

There has been a separate Misc case being No. 17 of 2018 under Order 21 Rule 97 of the Code of Civil Procedure, filed by the petitioner/decreed-holder to give effect to the decree in execution.

It is contended by learned advocate appearing for the petitioner that during the pendency of such execution proceedings, the judgment debtor/opposite parties have taken out an application under Section 47 of the code of Civil Procedure, which has been registered as J. Misc. Case No. 14 of 2021, and in view of the long

pendency of this case, the pending execution case has not been able to move forward.

Upon perusal of the photocopy of orders, passed by the learned Court below, annexed with the instant revisional application, it appears that 19th May, 2022 is the date for evidence, to be adduced by PW 2 in J. Misc Case No. 14 of 2021 under Section 47 of the Code of Civil Procedure.

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

The service upon the opposite parties is thus dispensed with, so far as the present revisional application is concerned.

Accordingly, learned Civil Judge (Junior Division), Second Additional Court, Contai, Purba Medinipur is requested to ensure expeditious disposal of J. Misc Case No. 14 of 2021, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable.

While endeavouring such exercise, the learned court below may proceed with the pending execution case in the manner, as situation of the case, would demand, so as to dispense with the justice in a best possible manner vide Execution Case No. O.Ex 02 of 2017.

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

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)