

21.04.2022
Item No.21
Ct. No.7
CHC
(disposed of)

**C.O.868 of 2022
(Physical Hearing)**

**Tarak Nath Chatterjee
Vs.
Shyam Sundar Chatterjee & ors.**

Mrs. Shohini Chakraborty,
Ms. Prajaaini Das
...for the petitioner

A direction to secure expeditious disposal of Title Execution No.10 of 2014 along with Miscellaneous Case No.7 of 2021, pending before the learned Civil Judge (Senior Division), at Serampore, Hooghly, is the ultimate relief sought for in this case.

Admittedly, final decree has already been there in connection with a partition suit, and in an appeal being preferred before this Court, there has been little modification of the final decree, which was subsequently in SLP, and it was dismissed ultimately.

In the meantime, petitioner put the decree into execution, and in connection therewith an application under Section 47 C.P.C. has been filed, which was registered as Miscellaneous Case No.7 of 2021.

Mrs. Chakraborty, learned advocate appearing for the petitioner submits that in view of the long

pendency of this application under Section 47 C.P.C. fruits of the partition decree is getting delayed.

In view of the nature of the order proposed to be made, no prior notice is considered to be necessary. Service upon the opposite parties stands dispensed.

Accordingly, learned Civil Judge (Senior Division), at Serampore, Hooghly, in connection with Miscellaneous Case No.7 of 2021, arising out of Title Execution No.10 of 2014 is requested to ensure expeditious disposal of pending Misc.Case, referred hereinabove, 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, this would not prevent the court below from ensuring expeditious disposal of pending execution case, taking into account that there has been finality of the decision already reached, even up to Apex Court.

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

With this observation/directions, 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.)