

27.04.2022
26
ct. no. 7
sb

C.O. 896 of 2022

Smt. Shanti Shaw & Anr.
-vs-
Sri Amit Dasgupta & Anr.

Mr. Sayantan Bose
Ms. Madhurima Das
...for the petitioners

A direction to secure expeditious disposal of Misc. Case no. 157 of 2017 arising out of an Ejectment Execution case no. 58 of 2017, now pending before the learned Judge, 4th Bench, Small Causes Court at Calcutta, is the ultimate relief, sought for in this case.

Admittedly, the decree for eviction granted by the trial court, remained uninterfered up to the second appeal. The fruits of the decree was then put into execution, inviting an execution case. An application for police help was then submitted sometimes in 2017, and till date, the same has not yet been disposed of by causing not only to the protraction to the pending execution case, but also serious prejudice to the decree holder, learned advocate for the petitioner argues.

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 party is thus dispensed with, so far as the present revisional application is concerned.

Accordingly, the learned Judge, 4th Bench, Small Causes Court at Calcutta is requested to ensure expeditious disposal of Misc. Case no. 157 of 2017, referred hereinabove, for police help assistance under Order 21 rule 97 of the Code of Civil Procedure, providing sufficient opportunities of hearing to both the parties, but without granting any unnecessary adjournment to either of the parties, unless it is extremely unavoidable.

While endeavouring such exercise, the year of institution of the suit may be taken into account and the decision, as already rendered in second appeal, may also be incidentally looked into, in context with the present status of the suit building and proceed to dispose of the prayer for police help preferably within three months from the date of the communication of this order, for the compelling reasons set out hereinabove.

The photographs, as annexed with instant revisional application from pages 72 to 84, are also brought to the attention of Court. It is, however,

clarified that this would not prevent the petitioner from producing same photographs, before the learned execution court below in connection with the disposal of prayer for police help.

The petitioners are directed to communicate this order to the learned Court below, opposite party and their advocates as well.

With this direction and observations, this revisional application stands disposed of.

Urgent photostat certified copy of this order duly applied for, be given to the parties upon compliance of all requisite formalities.

(Subhasis Dasgupta, J.)