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C.O. 974 of 2022

**Smt. Krishna Srivastava
Vs
Sri Mahesh Kumar Srivastava**

Mr. Tanmoy Mukherjee, ... for the
petitioner.
Mr. Souvik Das,
Mr. K. R. Ahmed,
Mr. Rudranil Das,

A direction to secure expeditious disposal of an execution case being Title Execution Case No. 07 of 2014 along with Misc Case No. 24 of 2014 of learned Civil Judge (Junior Division), 3rd Court, Howrah, is the ultimate relief sought for in this case, for the inordinate delay being caused in the disposal of execution case.

Mr. Tanmoy Mukherjee, learned advocate appearing for the petitioner submits that after the dismissal of Second Appeal preferred by the Jdr/opposite party, the fruits of the decree were sought to be obtained upon inviting an execution proceedings.

In connection with the execution case, an application under Section 47 of the Code of Civil Procedure was filed by the Jdr/opposite party, which was registered in connection with Misc Case No. 24 of 2014, and till date the Misc.Case has not yet been

disposed of, despite the decision of the Second Appeal being made known to the executing Court below.

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

Service upon the opposite party is thus dispensed with.

Accordingly, learned Civil Judge (Junior Division), 3rd Court, Howrah is directed to ensure expeditious disposal of Title Execution Case No. 07 of 2014, after causing disposal of Misc Case under Section 47 of the CPC 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.

While endeavouring such exercise, the conduct established by the Jdr, as reflected in the relevant case record pertaining to the execution case, may be taken into account, and the learned Court below may proceed with the disposal of the execution case in the manner, as situation would demand, in a best possible and expeditious manner.

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 party and the opposite party.

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

Certified copy of the orders passed by the learned Court below be taken on record.

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

(Subhasis Dasgupta, J)