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C.O. 989 of 2022

**Joydeb Bera
Vs
Nilmoni Bera**

Mr. Tarak Nath Halder, ... For the petitioner.

Mr. Anirban Das

... For the opposite party.

The matter has come up in the list for extension of interim order.

The affidavit-of-service furnished by the petitioner be taken on records.

Mr. Tarak Nath Halder, learned advocate appearing for the petitioner submits that the ex parte decree granted against the petitioner has been challenged by filing a misc case under Order 9 Rule 13 of the Code of Civil Procedure supported an application under Section 5 of the Limitation Act praying for condonation of delay.

Admittedly, this is a litigation between the father and son, wherein the father had instituted a suit for eviction against one of his sons describing him to be a licensee.

Per contra, Mr. Anirban Das, learned advocate appearing for the opposite party submits that by reason of the stay being granted, the enter execution proceeding has been stalled, and the fruits of the litigation, thus obtained by the opposite party/father

may not be kept pending endlessly. Learned advocate for the opposite party submits that he has also a strong case to challenge in the Misc Case no. 10 of 2022 pending before the learned Civil Judge (Junior Division), Second Court, Sealdah arising out of Title Suit No. 239 of 2012.

True it is, that the ex parte decree was obtained on 21.04.2021. The Misc Case no. 10 of 2022 is relatable to the ex parte decree granted in this case.

Having considered the submissions of both the sides, it appears that the pending misc case, if decided in an expeditious manner, that would sort out the problem surfaced in this case.

The pending misc case connected with interlocutory applications, if there be any pending, as such may be disposed of expeditiously.

The revisional application is thus disposed of directing learned Civil Judge (Junior Division), Second Court, Sealdah to ensure expeditious disposal of misc case no. 10 of 2022 read with connected pending interlocutory applications, if there be any pending, providing opportunities of hearing to either of the parties to this case, preferably within a period of twelve weeks from the date of communication of this order, without granting any unnecessary adjournment unless it is extremely unavoidable.

There shall be stay of all further proceedings

vide Title Execution Case no. 18 of 2021 pending before the learned Civil Judge (Junior Division), Second Court, Sealdah till the disposal of application under Order 9 Rule 13 of the Code of Civil Procedure, registered as misc case no. 10 of 2022.

Both the parties are directed to communicate this order to the Court below.

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)