

10.05.2022  
Item No.29  
Ct. No.7  
CHC  
(disposed of)

**C.O.1030 of 2022**

**Sri Biren Biswas  
Vs.  
Sri Fatik Mondal & ors.**

Mr. Partha Pratim Ray,  
Mr. Sarbananda Sanyal,  
Ms. Poulami Chakraborty  
...for the petitioner

A direction to secure expeditious disposal of two petitions, filed by judgement-debtor dated 9<sup>th</sup> February, 2022, praying for cross-examination of court bailiff pursuant to his report being filed in connection with the pending Execution Case and setting aside the bailiff's report is the ultimate relief sought for in this case.

Mr. Ray submits that against the decision of the trial court, petitioner/judgement-debtor has preferred appeal being Title Appeal No.7 of 2020 now pending before the learned Additional District Judge, 3<sup>rd</sup> Court, Barasat.

It is contended by Mr. Ray that by collusive means, writ for delivery of possession was issued, and the bailiff has furnished his report making suppression of some material facts. As the opposite parties/decreed-holders during the pendency of this appeal has already filed an affidavit urging the court to record that the decree has already been satisfied in full, as the decree-

holder had already been favoured with possession of the suit property, so petitioner/appellant chose to file an application for cross-examination of the court bailiff and also for setting aside the bailiff's report.

The innocuous prayer, advanced by Mr. Ray, is that before recording satisfaction of the decree by the court below, the pending applications filed by the appellant/Jdr should be disposed of in an expeditious manner.

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

Service upon the opposite parties stands dispensed with.

Accordingly, learned Civil Judge (Junior Division), 2<sup>nd</sup> Court, at Barasat, North 24 Parganas, in Title Execution Case No.3 of 2021 is requested to ensure expeditious disposal of pending interlocutory applications, filed by the Jdr mentioned hereinabove, providing sufficient opportunity of hearing to either of the parties to this case, without granting any unnecessary adjournment, unless it is extremely unavoidable, but before recording satisfaction of the decree in terms of the affidavit being furnished by the decree-holder.

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 the opposite parties.

With this observation/direction, 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.)**