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C.O. 1084 of 2022

**Rohit Enterprises
vs
Singhara Singh & Ors.**

Mr. Sounak Bhattacharjee,
Mr. Abhishek Bhattacharjee.
... for the petitioner.

The subject matter of challenge in this revisional application is against the order dated 21st March, 2022 passed by the learned Chief Judge, City Civil Court at Calcutta, in money execution case No. 33 of 2021, vacating the order setting the execution case for ex parte hearing.

Mr. Sounak Bhattacharjee, learned advocate appearing for the awardee submits that by order No. 6 dated 11th November, 2021, upon perusal of the track report regarding service of notice, the court below was pleased to accept the service, and posted the matter thereafter for ex parte hearing of the case.

It is contended by the petitioner that being oblivious of order dated 11th November, 2021, the court below by the impugned order vacated the ex parte hearing of the misc. case without assigning any reasons therefor.

An arguable point is thus raised, which needs to be revisited in terms of the order No.6 dated 11th

November, 2021.

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.

The impugned order is thus set aside, directing the court below to revisit the same in terms of the order No.6 dated 11th November, 2021, and proceed with the execution case in accordance with provisions of law.

Petitioner is directed to make communication of this order to the learned court below.

This would not, however, prevent the court below to ensure expeditious disposal of pending money execution case.

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)