

10.05.2022
Item No.5
Ct. No.7
CHC
(disposed of)

C.O.1140 of 2022

**Sree Narayan Trust Fund
Vs.
Sri Sardoar Ghoti alias Sardoba Khatik.**

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee,
Ms. Dipanwita Ganguly,
Mr. Kaustav Bhattacharyya
...for the petitioner

Liberty is given to learned advocate for the petitioner to correct the cause-title.

A direction to secure expeditious disposal of Title Execution Case No.3 of 2014, arising out of Title Suit No.58 of 1993 of learned Civil Judge (Junior Division), 2nd Court, Hooghly Sadar, is the ultimate relief sought for in this case.

Admittedly, the petitioner is a decree-holder in connection with an eviction suit. The decree was passed on 21st November, 2000. The First Appeal preferred by the appellant/tenant subsequently, has been dismissed. The decree was then put into execution. An application under Order 21 Rule 97 read with Rule 208 of Civil Rules and Order was then filed for execution of the decree taking assistance of the police.

Such petition was filed on 19th February, 2015, in connection with execution case, but till date such application has not yet been disposed of causing serious prejudice to the decree-holder, who is submitted to be octogenarian.

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 party stands dispensed with.

Accordingly, learned Civil Judge (Junior Division), 2nd Court, Hooghly Sadar, is requested to ensure expeditious disposal of Misc. Case No.11 of 2015 pertaining to police assistance for execution of decree, preferably within six months, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

While endeavouring such exercise, the age of the decree-holder together with the date of granting the decree may be taken into account, and the learned court below may proceed with the disposal of the pending Misc. Case referred hereinabove in the manner, as situation of the case would demand, so as to dispense with the justice 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/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.)