

08.06.2022
Item No.27
Ct. No.7
CHC
(disposed of)

C.O.1209 of 2022

**Ranjit Biswas
Vs.
Sajal Sarkar & ors.**

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal
...for the petitioner

The subject-matter of challenge in this revisional application is against the rejection of a prayer for stay filed in Misc.Case No.01 of 2018 under Section 47 C.P.C. arising out of Title Execution No.08 of 2017 of learned Civil Judge (Junior Division), at Tehatta, Nadia.

Mr. Roy, learned advocate appearing for the petitioner/Jdr at the very threshold of this case candidly submits that though the *ex parte* decree has been passed in this case, but petitioner/Jdr has no objection, if the decree is executed with respect to L.R. Plot No.171 as per schedule appended to decree.

It is contended by the learned advocate for the petitioner that there is reasonable apprehension that decree may be executed doing some encroachment of L.R. Plot No.172 belonging to the Jdr.

That being the position, no prior notice is considered to be necessary.

Service upon the opposite parties stands dispensed with.

Accordingly, learned Civil Judge (Junior Division), Tehatta, Nadia, in Title Execution No.08 of 2017, arising out of Title Suit No.81 of 2014 may proceed with the execution so as to enforce the decree in terms of the area, disclosed in the schedule of the decree appertaining L.R. Plot No.171, against which, the petitioner/Jdr has no objection to get the decree executed thereon.

Petitioner is directed to make communication of this order to the learned court below as well as to the opposite parties and their learned advocate appearing in the court below.

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.)