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Ct. 18
07.06.2022

C.O. No. 1714 of 2018
I.A. No : CAN 2 of 2019 (Old No : CAN 1850 of 2019)
CAN 3 of 2019 (Old No : CAN 11604 of 2019) (not in file)
CAN 4 of 2022

Jamuna Sundari Pal
Vs.
Menoka Jana & Ors.

Mr. Jyoti Prakash Chatterjee ... For the petitioner.

Md. Nure Zaman,
Mr. Jahangir Badsha ... For the O.P. No. 1.

The petitioner has suffered the decree passed in Title Suit No. 295 of 1969.

The decree is, inter alia, for recovery of possession and the same has been affirmed in appeal.

The said decree was put into execution giving rise to connected Title Execution Case No. 14 of 1990 before the learned Civil Judge, (Junior Division) at Kalna, District – Purba Burdwan.

In the executing Court vide order no. 164 dated November 15, 2017 appointed a commissioner to hold the survey commission of the suit property on the points mentioned in the application filed by the petitioner and to submit a report.

The grievance of the petitioner is that the executing court by the order impugned has modified his said earlier order and the commissioner so appointed was directed only to assist the Nazir to identify the suit property at the time of execution of the decree.

The commissioner was appointed to identify the suit property at the time of execution of the decree. The learned

Trial Judge by the order impugned has not changed the purpose of appointment of the said commissioner, the order impugned, therefore, does not call for any interference.

Mr. Jyoti Prakash Chatterjee, learned advocate for the petitioner fairly submits that the said commissioner has already expired. The parties are at liberty to apply for appointment of a new commissioner.

The suit was filed in the year 1969, the decree passed in the said suit is yet to be executed. There should not be any further delay in execution of the said decree.

The executing Court is therefore requested to expedite the disposal of the execution case.

C.O. 1714 of 2018 is disposed of with the above terms without any order as to costs.

In view of the disposal of the revisional application the connected applications being I.A. No : CAN 2 of 2019 (Old No : CAN 1850 of 2019) and I.A. No : CAN 3 of 2019 (Old No : CAN 11604 of 2019) [not in file] filed by the petitioner and I.A. No: CAN 4 of 2022 filed by the opposite party no. 1 have become infructuous and are dismissed accordingly without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)