

07.11.2022
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Ct. no. 652
sb

C.O. 1423 of 2021

Sri Bhabadish Chandra Maji
Vs.
Sri Tarak Manna

Mr. Shalil Kumar Maity
Ms. Jayatri Basu Royfor the Petitioner

Opposite party is not represented.

This is an application under Section 227 of the Constitution of India. Being aggrieved by the order dated 7.4.2021 passed by the learned Civil Judge, Junior Division, Haldia, Purba Midnapore in Title Execution case no. 2 of 2017 and J. Misc. case no. 38 of 2018, the present application has been preferred with a prayer for expeditious disposal of the said title execution case no. 2 of 2017.

It is contended on behalf of the petitioner/plaintiff that plaintiff filed a suit for declaration and khas possession before the court of learned Civil Judge, Junior Division, Haldia, Purba Midnapore which was registered as Title Suit no. 108 of 2014. The defendant/opposite party did not enter appearance in the said suit and the suit was decreed ex parte on 21.4.2016. As per direction made in the ex parte order, the defendant failed to vacate the suit premises within sixty days from the of judgment and as such the plaintiff

put the decree in execution, being Title Execution case no. 2 of 2017 before the said court of learned Civil Judge, Junior Division, Haldia, Purba Midnapore on 20.5.2017.

It is submitted on behalf of the petitioner that since then more than five years have lapsed but the decree has not yet been executed in full satisfaction. Accordingly, the petitioner has prayed for early disposal of the said execution case along with the pending Misc. Case, filed in connection with said Execution Case.

The prayer made by the petitioner is innocuous and if allowed the prayer for expeditious disposal of Execution Case, opposite party will not have any cause to prejudice.

Accordingly, C.O. 1423 of 2021 is disposed of with a direction upon the learned Executing court to make every endeavour including day to day hearing for expeditious disposal of the execution case being Title Execution case no. 2 of 2017 along with all connected applications preferably within a period of three months from the date of the receipt of the order, if it has not already been disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)