

10.05.2022
Item No.9
Ct. No.7
CHC
(disposed of)

C.O.1460 of 2021

Amar Mondal
Vs.
Prodip Kumar Mallick

Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das,
Ms. Priyanka Paul

...for the petitioner

Affidavit-of-service furnished by the petitioner be taken on record.

A direction to secure expeditious disposal of Misc. Case No.11 of 2021 under Order 9 Rule 13 C.P.C. arising out of Title Suit No.564 of 2019, pending before the learned Civil Judge (Junior Division), 7th Court, Howrah, is the ultimate relief sought for in this case.

Admittedly, the petitioner is the decree-holder, and the petitioner obtained an *ex parte decree* in this case. The opposite party by inviting the referred Misc. Case has endeavoured to vacate the *ex parte decree*, which is still pending, causing serious prejudice to the valuable rights of the petitioner/decreed-holder.

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), 7th Court, Howrah, is requested to ensure expeditious disposal of Misc. Case No.11 of 2021, arising out of Title Suit No.564 of 2019, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

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.)