

**ML 20.09.
162 2022**

**AGM
RKB
Ct
07**

C.O. 2108 of 2022

**Sourav Das & Anr
Vs
Mouli Nath Mukherjee**

Mr. Biswajib Ghosh,
Mr. Sumitava Chakraborty ... For the petitioners.

A direction to secure expeditious disposal of Execution Case shown in the cause title of the revisional application, is the ultimate relief sought for in this case.

No other point is raised requiring address by this Court

The primary contention expressed by the petitioners is against the delay caused in the disposal of the Execution Case, referred hereinabove, though the decree-holder obtained eviction decree in 2007, which remained undisturbed even in Second Appeal.

Upon perusal of the photocopies of the orders of the learned court below enclosed in the revisional application, it appears that there is a Misc. Case registered in connection with the pending Execution Case being No. 261 of 2013 under Order 21 Rules 99 to 101 of C.P.C.

In view of the nature of the order proposed to be made in the case, no prior notice is considered to be

necessary.

Service upon the opposite party is thus dispensed with.

Accordingly, Executing Court below Vide learned Civil Judge (Senior Division) 1st Court, Barasat is requested to ensure expeditious disposal of Execution Case referred hereinabove, after the disposal of Misc. Case Order 21 Rules 99 to 101, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable.

Petitioners are 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.

This would not, however, prevent the court below to ensure logical conclusion of the referred Misc. Case in an expeditious manner.

With this observation and direction, the revisional application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)

