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C.O. 2250 of 2022

**Gopi Kishan Jhunjhunwala & Anr
Vs
M/s. Kusum Agency & Anr**

Mr. Aniruddha Chatterjee,
Mr. Vikas Baisya,
Mr. Saptarshi Kumar Mal,

... For the petitioners.

A direction to secure expeditious disposal of Misc Appeal No. 62 of 2021 pending before the learned Judge, Vth Bench, City Civil Court, Calcutta, is the ultimate relief sought for in this case.

Mr. Aniruddha Chatterjee, learned advocate appearing for the petitioners that the decree of eviction was obtained in the year 2016. Such decree was put into execution. An order granting police help has been challenged preferring referred Misc Appeal, which is pending.

The only contention thus expressed by the petitioners is against the delay caused in the disposal of the execution case, because of pendency of the Misc Appeal.

Incidentally, it is submitted by Mr. Chatterjee that there is no regular officer posted in respect of learned Judge, Vth Bench, City Civil Court, Calcutta and some other officer is in-charge of the learned Judge, 5th Bench, City Civil Court, Calcutta.

No other point is raised requiring address by this Court.

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 parties is thus dispensed with.

Accordingly, learned Judge remaining in-charge of learned Judge, Vth Bench, City Civil Court, Calcutta to decide the Misc Appeal No. 62 of 2021 subject to suitability and convenience, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable, preferably before the end of February 2023.

It is, however, clarified that after the disposal of the Misc Appeal, the execution case would be expeditiously disposed of 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 parties and the opposite parties.

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)